

2017 Regular Session

HOUSE BILL NO. 268

BY REPRESENTATIVE JIMMY HARRIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/RECORDS: Provides relative to criminal history records checks for agencies with access to federal tax information, criminal history record information, or state issued REAL ID information

1 AN ACT

2 To enact R.S. 15:587.5 and 587.6, R.S. 23:1657.1, R.S. 36:254.3 and 701.1, R.S. 39:15.1.1
3 and 15.1.2, R.S. 46:51.3, and R.S. 47:1504.1, relative to criminal history records
4 checks; to provide for criminal history records checks for current and prospective
5 employees, contractors, and subcontractors of agencies with access to federal tax
6 information, criminal history record information, or state issued REAL ID
7 information; to provide relative to the procedures and costs for the criminal history
8 records checks; to provide for the use of these records; to provide for a definition;
9 and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 15:587.5 and 587.6 are hereby enacted to read as follows:

12 §587.5. Agencies with access to federal tax information; criminal history
13 information

14 A. For purposes of this Section, "agency" means any agency that has an
15 agreement with the Internal Revenue Service to access federal tax information.

16 Agency shall include all of the following:

17 (1) Department of Revenue.

18 (2) Department of Justice; collections section and information technology
19 section.

1 (3) Division of Administration; office of technology services.

2 (4) Department of Children and Family Services; child support enforcement
3 and family support.

4 (5) Louisiana Department of Health; medicaid eligibility section.

5 (6) Louisiana Workforce Commission; office of unemployment insurance
6 administration.

7 B.(1) An agency with access to federal tax information shall require any
8 current or prospective employee, contractor, or subcontractor to submit to a criminal
9 history records check to be conducted by the Louisiana Bureau of Criminal
10 Identification and Information. Fingerprints and other identifying information from
11 the current or prospective employee, contractor, or subcontractor shall be submitted
12 to the bureau by the employee, contractor, or subcontractor.

13 (2) When a criminal history records check is requested pursuant to Paragraph
14 (1) of this Subsection, the bureau shall provide the agency with the state criminal
15 history record information of the current or prospective employee, contractor, or
16 subcontractor. In addition, when the agency requests national criminal history
17 records checks, the bureau shall forward the fingerprints to the Federal Bureau of
18 Investigation for a national criminal history records check and shall provide the
19 agency with the national criminal history record information of the current or
20 prospective employee, contractor, or subcontractor.

21 C. A local criminal history records check shall also be requested by an
22 agency for a current or prospective employee, contractor, or subcontractor. The
23 request shall be sent to any jurisdiction where the current or prospective employee,
24 contractor, or subcontractor has lived, worked, or attended school within the last five
25 years.

26 D.(1) Fingerprinting and national, state, and local criminal history records
27 checks are to be used by the agency to determine the suitability of the current or
28 prospective employee, contractor, or subcontractor to access federal tax information
29 and records.

1 (2) Prospective employees shall be subject to fingerprinting and national,
2 state, and local criminal history records checks only after a conditional offer of
3 employment has been made.

4 (3) Current employees, contractors, and subcontractors with access to federal
5 tax information shall be subject to fingerprinting and national, state, and local
6 criminal history records checks at a minimum of every ten years.

7 E. The costs of providing the information required under this Section shall
8 be charged by the bureau, as specified in R.S. 15:587(B), to the agency for furnishing
9 information contained in the bureau's criminal history and identification files,
10 including any additional costs of providing the national criminal history records
11 check, which pertains to the current or prospective employee, contractor, or
12 subcontractor.

13 §587.6. Division of administration, office of technology services; access to criminal
14 history information or state issued REAL ID Information

15 A.(1) Pursuant to R.S. 39:15.1.2, current or prospective employees,
16 contractors, or subcontractors of the division of administration, office of technology
17 services, who have access to criminal history record information or state issued
18 REAL ID information shall submit to a criminal history records check to be
19 conducted by the Louisiana Bureau of Criminal Identification and Information.
20 Fingerprints and other identifying information from the current or prospective
21 employee, contractor, or subcontractor shall be submitted to the bureau by the
22 employee, contractor, or subcontractor.

23 (2) When a criminal history records check is requested pursuant to Paragraph
24 (1) of this Subsection, the bureau shall provide the office of technology services with
25 the state criminal history record information of the current or prospective employee,
26 contractor, or subcontractor. In addition, when the office of technology services
27 requests national criminal history records checks, the bureau shall forward the
28 fingerprints to the Federal Bureau of Investigation for a national criminal history
29 records check and shall provide the office of technology services with the national

1 criminal history record information of the current or prospective employee,
2 contractor, or subcontractor.

3 (3) A local criminal history records check shall also be requested by the
4 office of technology services for a current or prospective employee, contractor, or
5 subcontractor. The request shall be sent to any jurisdiction where the current or
6 prospective employee, contractor, or subcontractor has lived, worked, or attended
7 school within the last five years.

8 B.(1) Fingerprinting and national, state, and local criminal history records
9 checks are to be used by the office of technology services to determine the suitability
10 of the current or prospective employee, contractor, or subcontractor to access
11 criminal history record information or state issued REAL ID information.

12 (2) Prospective employees shall be subject to fingerprinting and national,
13 state, and local criminal history records checks only after a conditional offer of
14 employment has been made.

15 (3) Current employees, contractors, and subcontractors with access to
16 criminal history record information or state issued REAL ID information shall be
17 subject to fingerprinting and national, state, and local criminal history records checks
18 at a minimum of every ten years.

19 C. The costs of providing the information required under this Section shall
20 be charged by the bureau, as specified in R.S. 15:587(B), to the office of technology
21 services for furnishing information contained in the bureau's criminal history and
22 identification files, including any additional costs of providing the national criminal
23 history records check, which pertains to the current or prospective employee,
24 contractor, or subcontractor.

25 Section 2. R.S. 23:1657.1 is hereby enacted to read as follows:

26 §1657.1. Criminal history information; access to federal tax information

27 The Louisiana Workforce Commission, office of unemployment insurance
28 administration, is authorized to perform criminal history records checks of current
29 and prospective employees, contractors, and subcontractors in accordance with the

1 procedures provided in R.S. 15:587.5. Pursuant to this authorization and to
2 implement the requirements of R.S. 15:587.5, the executive director shall promulgate
3 rules and regulations with regard to this matter.

4 Section 3. R.S. 36:254.3 and 701.1 are hereby enacted to read as follows:

5 §254.3. Criminal history information; access to federal tax information

6 The Department of Health, medicaid eligibility section, is authorized to
7 perform criminal history records checks of current and prospective employees,
8 contractors, and subcontractors in accordance with the procedures provided in R.S.
9 15:587.5. Pursuant to this authorization and to implement the requirements of R.S.
10 15:587.5, the secretary shall promulgate rules and regulations with regard to this
11 matter.

12 * * *

13 §701.1. Criminal history information; access to federal tax information

14 The Department of Justice, collections section and information technology
15 section, is authorized to perform criminal history records checks of current and
16 prospective employees, contractors, and subcontractors in accordance with the
17 procedures provided in R.S. 15:587.5. Pursuant to this authorization and to
18 implement the requirements of R.S. 15:587.5, the attorney general shall promulgate
19 rules and regulations with regard to this matter.

20 Section 4. R.S. 39:15.1.1 and 15.1.2 are hereby enacted to read as follows:

21 §15.1.1. Criminal history information; access to federal tax information

22 The division of administration, office of technology services, is authorized
23 to perform criminal history records checks of current and prospective employees,
24 contractors, and subcontractors in accordance with the procedures provided in R.S.
25 15:587.5. Pursuant to this authorization and to implement the requirements of R.S.
26 15:587.5, the commissioner of administration shall promulgate rules and regulations
27 with regard to this matter.

28 §15.1.2. Criminal history information; access to restricted data

1 The division of administration, office of technology services, is authorized
 2 to perform criminal history records checks of current and prospective employees,
 3 contractors, and subcontractors in accordance with the procedures provided in R.S.
 4 15:587.6. Pursuant to this authorization and to implement the requirements of R.S.
 5 15:587.6, the commissioner of administration shall promulgate rules and regulations
 6 with regard to this matter.

7 Section 5. R.S. 46:51.3 is hereby enacted to read as follows:

8 §51.3. Criminal history information; access to federal tax information

9 The Department of Children and Family Services, office of child support
 10 enforcement and family support, is authorized to perform criminal history records
 11 checks of current and prospective employees, contractors, and subcontractors in
 12 accordance with the procedures provided in R.S. 15:587.5. Pursuant to this
 13 authorization and to implement the requirements of R.S. 15:587.5, the secretary shall
 14 promulgate rules and regulations with regard to this matter.

15 Section 6. R.S. 47:1504.1 is hereby enacted to read as follows:

16 §1504.1. Criminal history information; access to federal tax information

17 The Department of Revenue is authorized to perform criminal history records
 18 checks of current and prospective employees, contractors, and subcontractors in
 19 accordance with the procedures provided in R.S. 15:587.5. Pursuant to this
 20 authorization and to implement the requirements of R.S. 15:587.5, the secretary shall
 21 promulgate rules and regulations with regard to this matter.

22 Section 7. This Act shall become effective upon signature by the governor or, if not
 23 signed by the governor, upon expiration of the time for bills to become law without signature
 24 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 25 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 26 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 268 Engrossed

2017 Regular Session

Jimmy Harris

Abstract: Requires certain agencies with access to federal tax information, criminal history record information, or state issued REAL ID information to perform a criminal history records check on current and prospective employees, contractors, and subcontractors and to promulgate rules and regulations relating to criminal history records checks.

Proposed law requires an agency with access to federal tax information, criminal history record information, or state issued REAL ID information to require any current or prospective employee, contractor, or subcontractor to submit to a national, state, and local criminal history records check. Requires the current or prospective employee, contractor, or subcontractor to submit fingerprints and other identifying information to the La. Bureau of Criminal Identification and Information. The bureau is required to provide the agency with the criminal history record information of the current or prospective employee, contractor, or subcontractor. Proposed law further requires the agency to request a local criminal history records check for a current or prospective employee, contractor, or subcontractor, which shall be sent to any jurisdiction where the current or prospective employee, contractor, or subcontractor has lived, worked, or attended school within the last five years.

Proposed law provides that the fingerprints and national, state, and local criminal history records checks are used to determine the suitability of the current or prospective employee, contractor, or subcontractor to access federal tax information, criminal history record information, or state issued REAL ID information. Current employees, contractors, and subcontractors are subject to fingerprinting and criminal history records checks at a minimum of every 10 years. Prospective employees are subject to fingerprinting and criminal history records check after a conditional offer of employment has been made.

Proposed law requires the bureau to charge the agency for furnishing the information contained in the bureau's criminal history and identification files, including any additional costs.

Proposed law defines "agency" as any agency that has an agreement with the Internal Revenue Service to access federal tax information, and includes the:

- (1) Dept. of Revenue.
- (2) Dept. of Justice; collections section and information technology section.
- (3) Division of Administration; office of technology services.
- (4) Dept. of Children and Family Services; child support enforcement and family support.
- (5) La. Dept. of Health; medicaid eligibility section.
- (6) La. Workforce Commission; office of unemployment insurance administration.

Proposed law further requires the agencies to promulgate rules and regulations relating to the criminal history records checks of current or prospective employees, contractors, or subcontractors.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 15:587.5 and 587.6, R.S. 23:1657.1, R.S. 36:254.3 and 701.1, R.S. 39:15.1.1 and 15.1.2, R.S. 46:51.3, and R.S. 47:1504.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Require criminal history records checks for any current or prospective employee, contractor, or subcontractor for an agency with access to federal tax information.
2. Require the local criminal history records check to be sent to any jurisdiction where the current or prospective employee, contractor, or subcontractor has lived, worked, or attended school within the last five years.
3. Remove proposed law provisions requiring that the promulgation of rules and regulations be done in consultation with the agencies listed in proposed law.