
DIGEST

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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.