

2017 Regular Session

HOUSE BILL NO. 268

BY REPRESENTATIVE JIMMY HARRIS

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.

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

21 (4) Department of Children and Family Services; child support enforcement
22 and family support.

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

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

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

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

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

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

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

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

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

7 §587.6. Division of administration, office of technology services; access to criminal
8 history information or state-issued REAL ID Information

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

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

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

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

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

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

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

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

19 §1657.1. Criminal history information; access to federal tax information

20 The Louisiana Workforce Commission, office of unemployment insurance
 21 administration, is authorized to perform criminal history records checks of current
 22 and prospective employees, contractors, and subcontractors in accordance with the
 23 procedures provided in R.S. 15:587.5. Pursuant to this authorization and to
 24 implement the requirements of R.S. 15:587.5, the executive director shall promulgate
 25 rules and regulations with regard to this matter.

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

27 §254.3. Criminal history information; access to federal tax information

28 The Department of Health, medicaid eligibility section, is authorized to
 29 perform criminal history records checks of current and prospective employees,
 30 contractors, and subcontractors in accordance with the procedures provided in R.S.

1 checks of current and prospective employees, contractors, and subcontractors in
 2 accordance with the procedures provided in R.S. 15:587.5. Pursuant to this
 3 authorization and to implement the requirements of R.S. 15:587.5, the secretary shall
 4 promulgate rules and regulations with regard to this matter.

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

6 §1504.1. Criminal history information; access to federal tax information

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____