

RÉSUMÉ DIGEST

ACT 262 (HB 519)

2017 Regular Session

Emerson

Existing law provides for the application for and issuance of licenses necessary to engage in certain fields of work to persons who are otherwise qualified and who have been convicted of criminal offenses.

Prior law required entities, except for those exempted pursuant to existing law, to issue either a license or a provisional license to an applicant if the applicant met all other requirements of the licensing qualifications, except those pertaining to former offenses.

New law amends prior law to remove a non-exempt entity's ability to issue a provisional license and provides for the issuance of the actual license for which the applicant applied and is otherwise qualified to receive. In this regard, new law deletes the prior law provisions which provided as follows:

- (1) Required the licensing entity issuing the provisional license to determine the term for which the provisional license is valid, and provided that the issued provisional license cannot be made valid for fewer than 90 days nor more than 360 days.
- (2) Authorized the licensing entity to require up to two years of time passed since an applicant's last conviction or release from incarceration in order for the applicant to qualify for the provisional license.
- (3) Required an applicant on community supervision who is issued a provisional license to provide the licensing entity with the name and contact information of the person at the Dept. of Public Safety and Corrections, division of probation and parole, to whom the applicant reports, including the contact information of any probation or parole department of another state to which he reports.
- (4) Required the licensing entity to notify the probation or parole division or department, and the court, in which the provisional license holder's offense was adjudicated that a provisional license has been issued to the applicant.
- (5) Required a licensing entity to issue the regular license for which the provisional license was issued on the expiration of the provisional license term, if the holder of the provisional license does not commit acts described in existing law (R.S. 37:34(A)).

Prior law authorized the licensing entity to revoke the provisional license if the holder commits a new offense.

New law amends prior law to remove the reference to "provisional" licenses and to authorize the revocation of a license if the holder is convicted of a new felony offense or a violation of law or rules governing the practice of the field of work for which the license was issued. In addition, new law deletes the provisions of prior law which authorized the licensing entity to revoke the provisional license if the holder commits an act or omission requiring the holder's subjection to community supervision or mandatory supervision, or revocation of parole.

New law further deletes the prior law provision which required a probation or parole department or division to notify the licensing entity if the community supervision of the holder of a provisional license is revoked.

Prior law provided that a licensing entity was not required to issue a provisional license to persons convicted of certain offenses.

New law amends prior law to remove the reference to "provisional" licenses, and provides that a licensing entity is not required to issue a license to any person convicted of any of the following offenses listed in existing law:

- (1) Any grade of homicide enumerated in R.S. 14:29.

(2) A "crime of violence" as enumerated in R.S. 14:2(B).

(3) A "sex offense" as defined by R.S. 15:541.

Prior law required a licensing entity exempt from new law and existing law to keep record and compile a report of the number of provisional licenses issued and denied by the entity, including all reasons for such denial, when the denial is of an otherwise-qualified applicant convicted of an offense or offenses, except those defenses described in existing law (R.S. 37:37(A) through (C)).

New law amends prior law to remove the reference to "provisional" licenses and to require the records to include denials based on a conviction of a homicide, a crime of violence, or a sex offense as was previously excluded by prior law. New law otherwise retains prior law in this regard.

Effective August 1, 2017.

(Amends R.S. 37:31-36)