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 DIGEST

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SB 308 Reengrossed

2018 Regular Session

Mizell

Proposed law establishes a volunteer and employee criminal history system operated by the La. Bureau of Criminal Identification and Information. Proposed law allows certain businesses and organizations that provide care to children, the elderly, or individuals with disabilities to register with the bureau to obtain a state and federal criminal history report on individuals who have or seek to have access to those children, elderly, or individuals with disabilities, to determine their suitability to be providing care to those persons. Specifies that the access to obtain such reports is allowed in the absence of specific statutory provisions regarding access to criminal history record information.

Proposed law provides for definitions.

Proposed law allows the bureau to charge a processing fee for the criminal history report pursuant to provisions in present law.

Proposed law requires the business or organization that requests the criminal history report to maintain the confidentiality of the report.

Proposed law provides that a qualified entity is not liable for damages solely for failing to obtain background check information. Proposed law further provides that except in instances of gross negligence or willful and wanton misconduct, the state, any political subdivision of the state, or any agency, officer, or employee of the state or a political subdivision shall not be liable for damages for providing the information.

Proposed law authorizes the bureau to promulgate rules to implement the provisions of proposed law.

Effective Jan. 1, 2019.

(Adds R.S. 15:587.7)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Specifies that access to the criminal history records by qualified entities is allowable in the absence of specific statutory provisions regarding access to such information.

Summary of Amendments Adopted by House

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

1. Make technical corrections to place the definitions in alphabetical order.
2. Provide that except in instances of gross negligence or willful and wanton misconduct, the state, any political subdivision of the state, or any agency, officer, or employee of the state or political subdivision shall not be liable for damages.
3. Delay the effective date of proposed law from Aug. 1, 2018 to Jan. 1, 2019.