

**HOUSE SUMMARY OF SENATE AMENDMENTS**

**HB 548**

**2019 Regular Session**

**Cox**

CRIMINAL/BUREAU CRIML ID: Requires the Bureau of Criminal Identification and Information to release certain criminal history record information to the Department of Children and Family Services

**Synopsis of Senate Amendments**

1. Authorizes the La. Dept. of Health to adopt emergency rules according to the process in present law.

**Digest of Bill as Finally Passed by Senate**

Present law provides that the La. Bureau of Criminal Identification and Information (the bureau) shall make available to the Dept. of Children and Family Services (DCFS) all criminal history record information as defined in present law related to foster and adoptive parent applicants.

Proposed law adds to the applicants listed in present law by including individuals employed directly or indirectly by institutions or facilities providing or with the potential of providing daily care or supervision to any child or youth in the custody of or under the supervision of any La. state government agency.

Present law provides that the bureau shall facilitate national criminal history record checks on certain individuals as it relates to the fostering and adopting of certain children subject to DCFS investigation or custody.

Proposed law adds to the applicants listed in present law by including individuals employed directly or indirectly by institutions or facilities providing or with the potential of providing daily care or supervision to any child or youth in the custody of or under the supervision of any La. state government agency.

Proposed law authorizes the La. Dept. of Health (LDH) to request in writing that the bureau supply certain criminal history record information to ascertain whether certain persons have been arrested for, convicted of, or pled nolo contendere to, any criminal offense.

Proposed law applies to the following persons:

- (1) Any person who owns, operates, or manages a licensed therapeutic group home.
- (2) Any person who has applied for a license to operate a therapeutic group home.
- (3) Any person who is employed by, is contracted by, volunteers at, or interns with a therapeutic group home.
- (4) Any person who has applied to be employed or contracted by a therapeutic group home.
- (5) Any person who has applied to volunteer or intern with a therapeutic group home.

Proposed law requires LDH to maintain the confidentiality of such criminal history information in accordance with applicable federal or state law.

Proposed law provides that the costs of the criminal background check are the responsibility of the therapeutic group home.

Proposed law authorizes LDH to adopt rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of proposed law. Further authorizes LDH to adopt emergency rules according to the process in present law.

Present law provides for exceptions to the Public Records Law.

Proposed law adds certain sections of present law and proposed law to the present law exceptions.

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

(Amends R.S. 15:587(A)(2)(a) and (b) and 587.1(A)(1)(a) and R.S. 44:4.1(B)(8); Adds R.S. 15:587.1.2 and R.S. 40:2008.10)