

2022 Regular Session

HOUSE BILL NO. 233

BY REPRESENTATIVE EDMONSTON AND SENATOR FOIL

PUBLIC SFTY/DEPARTMENT: Provides relative to the Life Safety and Property Protection Licensing Act

1 AN ACT

2 To amend and reenact R.S. 40:1664.8(C), (D), and (E), relative to criminal background
3 checks required for licensing as provided in the Life Safety and Property Protection
4 Licensing Act; to provide for applicability regarding persons convicted of certain
5 felony offenses against property; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1664.8(C), (D), and (E) are hereby amended and reenacted to read
8 as follows:

9 §1664.8. Criminal background checks

10 * * *

11 C. No person or officer or principal of a firm applying for a property
12 protection license shall have been convicted of a felony, received a first-time
13 offender pardon for a felony, or entered a plea of guilty or nolo contendere to a
14 felony charge. A person whose felony conviction has been dismissed pursuant to
15 Code of Criminal Procedure Article 893 or the equivalent judicial dismissal shall be
16 eligible for property protection licensure if the conviction was not a ~~felony crime of~~
17 ~~violence specifically enumerated in R.S. 14:2(B)~~; a sex offense as defined in R.S.
18 15:541(24)(a), with the exception of R.S. 14:92(A)(7) and R.S. 14:80, ~~or a felony~~
19 ~~offense against property as enumerated in R.S. 14:51 through 62.8.~~

1 D. (1) A conviction or a plea of guilty or nolo contendere to a felony charge
 2 or receipt of a first-time offender pardon shall not constitute an automatic
 3 disqualification as otherwise required pursuant to Subsection C of this Section if ten
 4 or more years ~~has~~ have elapsed between the date of application and the date of
 5 successful completion or service of any sentence, deferred adjudication, or period of
 6 probation or parole.

7 (2) A conviction for a felony crime of violence specifically enumerated in
 8 R.S. 14:2(B) or a felony offense against property as enumerated in R.S. 14:51
 9 through 62.8 shall not constitute an automatic disqualification as otherwise required
 10 pursuant to Subsection C of this Section if fifteen or more years have elapsed
 11 between the date of application and the date of successful completion or service of
 12 any sentence, deferred adjudication, or period of probation or parole.

13 E. Subsection D of this Section shall not apply to any person convicted of
 14 ~~a felony crime of violence specifically enumerated in R.S. 14:2(B); a sex offense as~~
 15 ~~defined in R.S. 15:541(24)(a), with the exception of R.S. 14:92(A)(7) and R.S.~~
 16 ~~14:80; or a felony offense against property as enumerated in R.S. 14:51 through 62.8.~~

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 233 Original 2022 Regular Session Edmonston

Abstract: Provides for regulations regarding the licensure of applicants with certain felony convictions under the Life Safety and Property Licensing Act.

Present law provides that an applicant for property protection licensure with a felony conviction, plea of guilty or nolo contendere, or first-time offender pardon is ineligible for licensure.

Present law further provides that present law does not apply to a conviction dismissed pursuant to certain present law provisions (C.Cr.P. Art. 893), unless the felony is a felony crime of violence enumerated in present law (R.S. 14:2(B)); a sex offense as defined in present law (R.S. 15:541(24)(a)), except certain present law sex offenses (R.S. 14:92(A)(7) and 14:80); or a felony crime against property enumerated in present law (R.S. 14:51-62.8).

Proposed law repeals present law as it relates to a conviction for a felony crime of violence and a felony crime against property.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

Present law provides that an applicant will not be automatically disqualified as required by present law if 10 or more years have elapsed since the successful completion or service of any sentence, deferred adjudication, or period of probation or parole.

Present law also provides that, regardless of how much time has elapsed, an applicant is ineligible for licensure if convicted of a felony crime of violence enumerated in present law (R.S. 14:2(B)); a sex offense as defined in present law (R.S. 15:541(24)(a)), with the exception of certain present law sex offenses (R.S. 14:92(A)(7) and 14:80); or a felony crime against property enumerated in present law (R.S. 14:51-62.8).

Proposed law amends present law as it relates to the ineligibility of an applicant convicted of a felony crime of violence and a felony crime against property to provide that an applicant will not be automatically disqualified as required by present law if 15 or more years have elapsed since the successful completion or service of any sentence, deferred adjudication, or period of probation or parole.

(Amends R.S. 40:1664.8(C), (D), and (E))