SLS 22RS-419

ENGROSSED

2022 Regular Session

SENATE BILL NO. 157

BY SENATOR MILLIGAN

CRIMINAL RECORDS. Provides for access to criminal history records and identification files by the office of technology services. (8/1/22)

1	AN ACT
2	To amend and reenact R.S. 15:587(A)(1)(a) and to enact R.S. 15:587(A)(1)(m) and
3	587.5(B)(3), relative to criminal history records and identification files; to provide
4	for access to criminal history records and identification files by the office of
5	technology services; to provide for responsibilities of division of administration,
6	office of technology services; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 15:587(A)(1)(a) is hereby amended and reenacted and R.S.
9	15:587(A)(1)(m) and 587.5(B)(3) are hereby enacted to read as follows:
10	§587. Duty to provide information; processing fees; Louisiana Bureau of Criminal
11	Identification and Information
12	A.(1)(a) The bureau shall make available upon request, or at such other times
13	as the deputy secretary shall designate, to any eligible criminal justice agency and
14	the division of administration, office of technology services, Louisiana
15	Department of Education, the Louisiana Department of Health, the state fire marshal
16	when reviewing applications for licensure, the Louisiana Manufactured Housing
17	Commission when reviewing applications for licensure, the Department of Children

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1 and Family Services, the Department of Insurance, the Louisiana State Racing 2 Commission, the Senate and Governmental Affairs Committee, the House and 3 Governmental Affairs Committee, the secretary of the Louisiana Workforce 4 Commission or his designee, the Board of River Port Pilot Commissioners, the 5 Office of Financial Institutions in the office of the governor, the office of the disciplinary counsel of the Louisiana Attorney Disciplinary Board of the Louisiana 6 7 State Bar Association; however, as to any licensed attorney such this information 8 shall be provided only after the issuance of a formal charge against the attorney, the 9 Louisiana Supreme Court Committee on Bar Admissions, the municipal or parish 10 department or personnel responsible for reviewing applications for alcoholic 11 beverage outlet permits, and the legislative auditor any information contained in the 12 criminal history record and identification files of the bureau. The Department of 13 Children and Family Services may provide information secured pursuant to this Subsection to all federal and state agencies providing child support enforcement 14 15 services.

16 * * *

(m) The division of administration, office of technology services, is 17 entitled to the criminal history record and identification files of the bureau for 18 any person for which a fingerprint request is submitted pursuant to R.S. 19 15:587.5 and 587.6 and R.S. 39:15.1.2. The bureau may submit fingerprints to 20 21 the Federal Bureau of Investigation to be retained in the FBI rap back system 22 for the purpose of being searched in future submissions to the FBI rap back system, including latent fingerprint searches. The bureau shall make available 23 24 to the division of administration, office of technology services, rap backs for requests made pursuant to R.S. 15:587.5 and 587.6 and R.S. 39:15.1.2. 25 26

27 §587.5. Agencies with access to federal tax information; criminal history information

B.(1) * *

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1	(3) In addition to the requirements of Paragraphs (1) and (2) of this
2	Subsection, for requests made pursuant to R.S. 39:15.1.2, the bureau may
3	submit fingerprints to the Federal Bureau of Investigation to be retained in the
4	FBI rap back system for the purpose of being searched in future submissions to
5	the FBI rap back system, including latent fingerprint searches. The bureau shall
6	make available to the division of administration, office of technology services,
7	rap backs for requests made pursuant to R.S. 39:15.1.2. Any recipient of
8	information as provided in this Paragraph shall maintain the confidentiality of
9	the criminal history information in accordance with applicable state or federal
10	law.
11	* * *

The original instrument was prepared by Thomas L. Tyler. The following digest, which does not constitute a part of the legislative instrument, was prepared by Dawn Romero Watson.

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Milligan

<u>Present law</u> requires that the Louisiana Bureau of Criminal Identification and Information, upon request of certain enumerated entities, provide the information contained in the bureau's criminal history records and identification files.

<u>Proposed law</u> adds the division of administration, office of technology services, to the list of entities available to request this information.

<u>Present law</u> provides that agencies with access to federal tax information may require that any current or prospective employee, contractor, or subcontractor submit to a criminal history records check and fingerprints to the Louisiana Bureau of Criminal Identification and Information. Requires the bureau to forward these fingerprints to the FBI when a national criminal history records check is requested.

<u>Proposed law</u> retains these provisions in the <u>present law</u> but authorizes the bureau to submit fingerprints to the FBI for retention in the FBI rap back system. Requires the bureau to make rap back requests available to the division of administration, office of technology services. Requires that any recipient of this information maintain the confidentiality of these records.

Effective August 1, 2022.

SB 157 Engrossed

(Amends R.S. 15:587(A)(1)(a); adds R.S. 15:587(A)(1)(m) and 587.5(B)(3))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Corrects statutory cross-reference.

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