

2022 Regular Session

SENATE BILL NO. 291

BY SENATOR LAMBERT

REAL ESTATE. Authorizes the Louisiana Real Estate Appraisers Board to access certain criminal history record information of applicants. (8/1/22)

1 AN ACT

2 To amend and reenact R.S. 44:4.1(B)(23) and to enact R.S. 37:3395.2, relative to the  
3 authority of the Louisiana Real Estate Appraisers Board to access certain criminal  
4 history record information; to provide for definitions; to provide an exemption to the  
5 Public Records Law; to provide for terms, procedures, requirements, and limitations;  
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 37:3395.2 is hereby enacted to read as follows:

9 **§3395.2. Authorization to obtain criminal history record information**

10 **As used in this Section, the following terms shall have the following**  
11 **meanings:**

12 **(1) "Applicant" means any individual who has made application to the**  
13 **board for the issuance or reinstatement of any license or certification to**  
14 **participate in any appraisal activity in this state that the board is authorized to**  
15 **issue by law.**

16 **(2) "Bureau" means the Louisiana Bureau of Criminal Identification and**  
17 **Information of the office of state police within the Department of Public Safety**

1 and Corrections.

2 (3) "Criminal history record information" means all state records of  
3 arrest, prosecution, conviction, including records expunged or dismissed  
4 pursuant to Code of Criminal Procedure Article 893, and national records  
5 which shall include fingerprints of the applicant, biometrics, and other  
6 identifying information.

7 (4) "FBI" means the Federal Bureau of Investigation of the United States  
8 Department of Justice.

9 A. Beginning January 1, 2023, in addition to any other requirements  
10 established by law, the board shall request and obtain state and national  
11 criminal history record information from the bureau or the FBI regarding each  
12 applicant for licensure or certification.

13 B. The board shall do all of the following:

14 (1) Comply with any lawful requirement imposed by the bureau, in  
15 accordance with 28 C.F.R. §20.1 et seq. and the Criminal Justice Information  
16 Services Security Policy, as periodically amended and approved by the Federal  
17 Bureau of Investigation Criminal Justice Information Service Advisory Board.

18 (2) Prescribe a form to be completed by each applicant prior to any  
19 fingerprint submission, which shall include at a minimum all of the following:

20 (a) An acknowledgment that any fingerprints submitted to the bureau  
21 or board shall be used by the bureau and the board to review the national  
22 criminal history records maintained by the FBI.

23 (b) A statement describing how the collected information will be used,  
24 retained, and shared by the board.

25 (c) An inquiry requiring the applicant to specifically identify or state the  
26 specific reason the applicant has submitted fingerprints to the bureau or the  
27 board.

28 (d) A statement providing the procedure and contact information  
29 necessary to challenge the accuracy of information contained in the applicant's

1 FBI identification record.

2 (e) Any other notice or information required by the bureau to be  
3 disclosed to an applicant prior to the submission of fingerprints.

4 C. The board may require any applicant for licensure to do all of the  
5 following:

6 (1) Complete and submit any form or application prescribed by or in any  
7 manner required by the bureau, including but not limited to a complete,  
8 satisfactory set of the applicant's fingerprints.

9 (2) Permit the board to request and obtain state and national criminal  
10 history record information relating to the applicant.

11 (3) Pay to the bureau an amount equal to the administrative costs  
12 imposed by or on behalf of the bureau, relating to submission and processing  
13 of applicant's fingerprints for review of criminal history record information.

14 D.(1) The provisions of this Section shall not apply to any registrant or  
15 licensee who was registered or licensed and in good standing with the board on  
16 or before December 31, 2022.

17 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection,  
18 any real estate appraiser trainee or residential certified real estate appraiser  
19 who is licensed on or before December 31, 2022, and who subsequently applies  
20 on or after January 1, 2023, either for licensure as a residential certified real  
21 estate appraiser or a certified general real estate appraiser, shall be subject to  
22 requirements imposed by this Section.

23 E. Any state or national criminal history record information obtained  
24 by the board from the bureau or FBI which is not already a matter of public  
25 record shall be deemed nonpublic and confidential information restricted to the  
26 exclusive use of the board, its members, officers, investigators, agents, and  
27 attorneys in evaluating the applicant's eligibility or disqualification for  
28 licensure. No information or records related to the criminal history background  
29 shall, except with the written consent of the applicant or by order of a court of



- (1) Complete any form or application required by the bureau, including a set of applicant's fingerprints.
- (2) Permit the board to request and obtain applicant's criminal history record.
- (3) Pay the bureau an amount equal to administrative cost imposed by the bureau for the submission and processing of fingerprints for review of criminal history record information.

Proposed law shall not apply to any licensee that is in good standing with the board on or before December 31, 2022.

Proposed law provides that any registered trainee or licensed appraiser, who is registered on or before December 1, 2022, and who subsequently applies for licensure as a certified real estate appraiser or a certified general real estate appraiser on or after January 1, 2023, is subject to the provisions of proposed law.

Present law provides relative to Public Records Law.

Proposed law provides that certain criminal history record information received by the board from the bureau shall be nonpublic and confidential and exempt from the Public Records Law.

Effective August 1, 2022.

(Amends R.S. 44:4.1(B)(23); adds R.S. 37:3395.2)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Defines "criminal history record information" as all state records of arrest, prosecution, conviction, including records expunged or dismissed pursuant to Code of Criminal Procedure Article 893, and national records which shall include fingerprints of the applicant, biometrics, and other identifying information.