

GREEN SHEET REDIGEST

HB 586

2022 Regular Session

Thomas

**REAL ESTATE: Provides limited authority to the Louisiana Real Estate Commission to access certain criminal history record information of licensees and applicants**

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DIGEST

Proposed law defines "applicant", "bureau", "commission", "criminal history record information", "FBI", and "licensure".

Proposed law authorizes the La. Real Estate Commission (LREC) to obtain from the FBI an applicant's state and national criminal history record information.

Proposed law limits LREC's use of fingerprints to only as necessary for determining licensure eligibility of each applicant and matters directly related to same.

Proposed law requires an applicant to submit certain identifying information to the La. Bureau of Criminal Identification and Information for the release of all arrest and conviction information contained in the La. Bureau of Criminal Identification and Information's criminal history files pertaining to the applicant for licensure, and require the fingerprints to be forwarded by the La. Bureau of Criminal Identification and Information to the FBI for a national criminal history check.

Proposed law requires the costs for obtaining the information required by proposed law to be charged to the bureau, including the costs of providing the national criminal history check, and authorize the bureau to impose any or all such costs on the applicant.

Proposed law authorizes LREC to enact the following requirements for an applicant to follow so that LREC may determine licensure eligibility:

- (1) Submit complete fingerprints that comply with FBI requirements.
- (2) Give LREC permission to obtain state and national criminal history record information.
- (3) Pay for the cost imposed by the FBI to process fingerprints for review of an applicant's criminal history record information.

Proposed law requires LREC to:

- (1) Comply with all FBI requirements relative to its access of criminal history record information.
- (2) Provide a form for applicants to complete to give them notice of what information will be obtained by providing fingerprints to LREC and the FBI and how the information will be used.

Proposed law does not apply to any licensees who are in good standing with LREC on or before Dec. 31, 2022.

Proposed law provides that proposed law does apply to licensees licensed on or before Dec. 31, 2022, who go on to apply for initial licensure as a real estate broker or to reinstate any suspended or revoked license issued by LREC.

Effective Jan. 1, 2023.

(Adds R.S. 37:1435.1)

### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Define "criminal history record information".
2. Authorize the commission to access the criminal history record files of the La. Bureau of Criminal Identification and Information for any licensee or applicant for licensure as a broker.
3. Provide for the process of obtaining state and national criminal history record information of applicants for licensure.
4. Provide for the payment of costs for obtaining criminal history record information of an applicant and recovering such costs from the applicant.
5. Require a real estate broker seeking licensure to consent to and pay for a background check.
6. Make technical changes.

### Summary of Amendments Adopted by Senate

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

1. Removes the requirement for the applicant to provide records of an expunged misdemeanor offense.