

HOUSE SUMMARY OF SENATE AMENDMENTS**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

Synopsis of Senate Amendments

1. Deletes Code of Criminal Procedure Article 894, which deals with the suspension and deferral of a sentence, from the definition of criminal history record information.
2. Expands the commission's ability to access the criminal history record and identification files to persons who are licensed or applying for licensure as a real estate salesperson or broker.

Digest of Bill as Finally Passed by Senate

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)