
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 112 Reengrossed

2023 Regular Session

Muscarello

Abstract: Provides relative to the Louisiana State Board of Private Security Examiners authority to process fingerprints and receive state and federal criminal history checks on private security applicants.

Present law provides that the La. State board of Private Security Examiners (board) is entitled to the criminal history record and identification files of the La. Bureau of Criminal Identification and Information (bureau) on those persons seeking to be licensed as private security guards.

Proposed law authorizes the board to request and obtain state and national criminal history record information from the bureau and the FBI for any person who is licensed or registered or who is applying to be licensed or registered as a private security business, instructor, or officer.

Proposed law limits the use of fingerprints for the purpose of determining the licensure or registration eligibility of each applicant and for conducting directly related matters in accordance with applicable law.

Proposed law provides that the costs of providing fingerprints and other identifying information shall be charged by the bureau, as specified in present law, and that any or all cost or fees for the provision of the information to the board may be imposed on the applicant.

Proposed law provides that the board may require any of the following to determine the licensure or registration eligibility of an applicant:

- (1) Submission of a complete set of fingerprints.
- (2) Authorization for the board to request and obtain state and national criminal history records.
- (3) Payment of the administrative costs relating to the processing of applicant fingerprints.

Proposed law provides that the board shall utilize a form provided by the bureau to be completed by each applicant prior to any fingerprint submission.

Proposed law provides that the criminal history record information shall be confidential and used exclusively by the board to evaluate the applicant's eligibility or disqualification. Proposed law further provides that the board shall not release criminal history record information to any person or agency without written consent of the applicant, unless the release is court ordered.

Proposed law adds proposed law to the enumerated list of public records exceptions in present law (R.S. 44:4.1(B)(23)).

Effective Oct. 1, 2023.

(Amends R.S. 15:587 and R.S. 44:4.1(B)(23); Adds R.S. 37:3276.2)

Summary of Amendments Adopted by House

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

1. Add a confidentiality clause to require criminal history record information be confidential and used exclusively to evaluate the applicant's eligibility.
2. Add a public records exception.
3. Make technical changes.

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the engrossed bill:

1. Include changes in the present law provisions relative to the board's ability to obtain criminal history record information from the bureau for private security guards the broader ability to request both state and national criminal histories for persons seeking to be licensed or registered by the board.
2. Remove biometric information from the list of identifying information the board may request from an applicant.
3. Remove provision that the bureau will charge the board for furnishing the information.
4. Provide the board shall utilize the form provided by the bureau rather than prescribing its own form with specified requirements.
5. Make the requirements regarding the maintenance of the confidentiality of the information and the restriction on disclosure applicable to the board, its members, its employees, or agent authorized to act on behalf of the board.
6. Make technical changes.