

ACT No. 13

2023 Regular Session

HOUSE BILL NO. 112

BY REPRESENTATIVE MUSCARELLO

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AN ACT

To amend and reenact R.S. 15:587(A)(1)(b) and R.S. 44:4.1(B)(23) and to enact R.S. 37:3276.2, relative to the authority of the Louisiana State Board of Private Security Examiners; to provide for legislative intent; to provide for definitions; to provide for limitations to the access and use of certain criminal history record information; to provide for the standards and procedures for certain criminal history records; to require the charging of fees and costs; to provide for a public records exception; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:587(A)(1)(b) is hereby amended and reenacted to read as follows:

§587. Duty to provide information; processing fees; Louisiana Bureau of Criminal

Identification and Information

A.(1)

* * *

(b) The Louisiana State Board of Private Security Examiners shall be entitled to the criminal history record and identification files of the bureau on those persons seeking to be licensed as ~~private security guards~~ or registered by the board as a means of performing background checks on those individuals. ~~A fee of twenty-six dollars shall be charged for furnishing said records.~~ In addition, in order to determine an applicant's eligibility or suitability for licensure or registration under the provisions of the Private Security Regulatory and Licensing Law, each applicant shall be fingerprinted and the fingerprints shall be forwarded by the bureau to the Federal Bureau of Investigation for a national criminal history record check.

* * *

1 Section 2. R.S. 37:3276.2 is hereby enacted to read as follows:

2 §3276.2. Authority to obtain criminal history record information

3 A. The legislature hereby finds and declares it is vitally important to the
4 public safety, interest, and welfare to protect Louisiana citizens, their residences,
5 businesses, and other property, as well as visitors to the state, by reasonably
6 regulating the licensure and registration of persons performing private security
7 activity in the state.

8 B. As used in this Section:

9 (1) "Board" means the Louisiana State Board of Private Security Examiners,
10 an agency in the Department of Public Safety and Corrections.

11 (2) "Bureau" means the Louisiana Bureau of Criminal Identification and
12 Information of the office of state police within the Department of Public Safety and
13 Corrections.

14 (3) "Criminal history record information" means all state records of arrest,
15 prosecution, and conviction, including those which have been expunged or dismissed
16 pursuant to Code of Criminal Procedure Articles 893 and 894, and national records
17 which include fingerprints of the applicant and other identifying information, if so
18 requested by the board.

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

21 C.(1) Pursuant to this Section, the board may request and obtain state and
22 national criminal history record information from the bureau and the FBI regarding
23 each applicant.

24 (2) Notwithstanding Paragraph (1) of this Subsection, the board's use of
25 fingerprints shall be for the limited purpose of determining the licensure or
26 registration eligibility of each applicant and conducting directly related matters in
27 accordance with the Administrative Procedure Act, R.S. 49:950 et seq., or other
28 applicable law.

29 (3) The board is entitled to the criminal history record and identification files
30 of the bureau of any person who is licensed or registered; or who is applying to be

1 licensed or registered as a private security business, qualifying agent, instructor, or
2 security officer. Fingerprints and other identifying information of the applicant shall
3 be submitted to the bureau, and the bureau shall, upon request of the board and after
4 receipt of such fingerprint card and other identifying information from the applicant,
5 make available to the board all arrest and conviction information contained in the
6 bureau's criminal history record and identification files which pertain to the applicant
7 for licensure or registration. In addition, the fingerprints shall be forwarded by the
8 bureau to the FBI for a national criminal history record check.

9 (4) In accordance with the authority provided for in this Chapter, the costs
10 of providing the information required in accordance with this Section shall be
11 charged by the bureau, as specified in R.S. 15:587, for furnishing information
12 contained in the bureau's criminal history record and identification files, including
13 any additional costs of providing the national criminal history record check, which
14 pertains to the applicant. Any or all cost or fees for the provision of the information
15 may be imposed on the applicant.

16 D. In addition to the other requirements of this Chapter, the board may
17 require an applicant to do any of the following to determine the licensure or
18 registration eligibility of an applicant:

19 (1) Submit a complete set of fingerprints in the form and manner required
20 by the bureau.

21 (2) Authorize the board to request and obtain state and national criminal
22 history record information relating to the applicant.

23 (3) Pay the administrative costs imposed by or on behalf of the bureau,
24 relating to the submission and processing of applicant fingerprints for review of
25 criminal history record information.

26 E. The board shall utilize a form provided by the bureau relative to the
27 access, use, and maintenance of criminal history record information. Each applicant
28 shall complete the form prior to any fingerprint submission.

29 F.(1) Criminal history record information shall be considered confidential
30 information and the board, its members, its employees, and any agent authorized to

1 act on behalf of the board shall use the criminal history record information
2 exclusively to evaluate the applicant's eligibility or disqualification.

3 (2) Criminal history record information obtained in accordance with this
4 Section shall not be released or otherwise disclosed by the board, its members, its
5 employees, or any agent authorized to act on behalf of the board to any person or
6 agency without the written consent of the applicant unless the release is ordered by
7 a court of competent jurisdiction.

8 Section 3. R.S. 44:4.1(B)(23) is hereby amended and reenacted to read as follows:

9 §4.1. Exceptions

10 * * *

11 B. The legislature further recognizes that there exist exceptions, exemptions,
12 and limitations to the laws pertaining to public records throughout the revised
13 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
14 limitations are hereby continued in effect by incorporation into this Chapter by
15 citation:

16 * * *

17 (23) R.S. 37:74, 86, 90, 147, 691, 711.10, 763, 763.1, 781, 920.1, 969.1,
18 1123(E), 1277, 1278, 1285, 1326, 1338.1, 1360.53.1, 1360.104.1, 1518, 1745.15,
19 1747, 1806, 2156.1, 2406, 2505.1, 2863.1, 3276.2, 3481, 3507.1

20 * * *

21 Section 4. This Act shall become effective on October 1, 2023.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____