

Regular Session, 2014

HOUSE BILL NO. 636

BY REPRESENTATIVES BROADWATER, MACK, AND PUGH

SECONDHAND DEALERS: Requires pawn brokers, secondhand dealers, and scrap metal recyclers to provide certain information about sellers of goods

1 AN ACT

2 To amend and reenact R.S. 37:1798(A)(1)(introductory paragraph) and (a), (2), and (3),
3 1866(A), and 1972(A), relative to used or secondhand goods; to require pawnbrokers
4 to provide both transactional and personally identifiable information regarding a
5 transaction to law enforcement; to require secondhand dealers to provide both
6 transactional and personally identifiable information regarding a transaction to law
7 enforcement; to require scrap metal recyclers to provide both transactional and
8 personally identifiable information regarding a transaction to law enforcement; and
9 to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 37:1798(A)(1)(introductory paragraph) and (a), (2), and (3),
12 1866(A), and 1972(A) are hereby amended and reenacted to read as follows:

13 §1798. Information furnished to police, sheriff, or Department of Public Safety and
14 Corrections

15 A.(1) Every pawnbroker shall provide all ~~transactional~~ information,
16 including both the transactional information and personally identifiable information,
17 obtained pursuant to R.S. 37:1796 to the chief of police of the city or town in which
18 he is doing business or to the sheriff of the parish in which he is doing business, on
19 a daily basis by the end of the next business day or on such less frequent basis as is
20 required by the chief of police or sheriff. The means for providing the ~~transactional~~

1 information required under this Section shall be selected by the chief of police or
2 sheriff and shall be one of the following:

3 (a) By electronic transmission if the pawnbroker has the means available to
4 make transmissions in electronic form via a system which makes ~~solely transactional~~
5 the information available for transmission and for examination by the chief of police
6 of the city or town in which he is doing business, or by the sheriff of the parish in
7 which he is doing business, or, when acting pursuant to Paragraph (3) of this
8 Subsection, by the Department of Public Safety and Corrections, division of
9 probation and parole.

10 * * *

11 (2) In the event ~~transactional~~ the information submitted pursuant to this
12 Section is transmitted electronically pursuant to Subparagraph (A)(1)(a) of this
13 Section, the appropriate law enforcement official may, for purposes of an
14 investigation of a crime relating to a particular pawn transaction, request the
15 pawnbroker to mail or fax such official the ~~personally identifiable~~ information
16 relating to such transaction under investigation. The pawnbroker shall deliver the
17 ~~personally identifiable~~ information relating to the identified transaction to the
18 appropriate law enforcement official within twenty-four hours of the request. In the
19 event the pawnbroker transfers information in printed form pursuant to Subparagraph
20 (A)(1)(b) or (c) of this Section, the pawnbroker shall not also be required to transmit
21 such information in electronic form pursuant to Subparagraph (A)(1)(a) of this
22 Section.

23 (3) If a pawnshop is requested by the Department of Public Safety and
24 Corrections, division of probation and parole to provide ~~transactional~~ the
25 information obtained pursuant to R.S. 37:1796 for the purpose of an investigation of
26 a specific crime relating to a particular pawn transaction, then ~~such transactional~~ the
27 information, including both the transactional information and personally identifiable
28 information, shall be tendered. The means for tendering the ~~transactional~~

1 information shall be selected by the department and the selection shall be limited to
2 the means specified in Paragraph (1) of this Subsection.

3 * * *

4 §1866. Daily report of entries

5 A.(1) Every secondhand dealer licensed under the provisions of this Part
6 shall make out and deliver to the chief of police of the city or town or to the sheriff
7 of the parish in which he is doing business, every day before the hour of twelve
8 noon, a legible and correct copy of the entries in the book mentioned in R.S. 37:1864
9 during the previous day. The information submitted pursuant to this Section shall
10 include both the transactional information and personally identifiable information.

11 The means for providing the ~~transactional~~ information required under this Section
12 shall be by electronic transmission.

13 (2) The appropriate law enforcement official may, for purposes of an
14 investigation of a crime relating to a particular secondhand transaction, request the
15 secondhand dealer to mail or fax such official the ~~personally identifiable~~ information
16 maintained pursuant to R.S. 37:1864 relating to such transaction under investigation.

17 The secondhand dealer shall deliver the ~~personally identifiable~~ information,
18 including both the transactional information and personally identifiable information,
19 relating to the identified transaction to the appropriate law enforcement official
20 within twenty-four hours of the request.

21 * * *

22 §1972. Daily report of entries

23 A.(1) Every operator licensed pursuant to this Chapter shall produce and
24 deliver to the chief of police of the city or town or to the sheriff of the parish in
25 which he is doing business, every day before the hour of twelve noon, a legible and
26 correct copy of the entries in the book mentioned in R.S. 37:1967 during the previous
27 day. The information submitted pursuant to this Section shall include both the
28 transactional information and personally identifiable information. The means for

1 providing the ~~transactional~~ information required under this Section shall be by
2 electronic transmission.

3 (2) The appropriate law enforcement official may, for purposes of an
4 investigation of a crime relating to a particular scrap metal transaction, request the
5 operator to mail or fax the official the ~~personally identifiable~~ information maintained
6 pursuant to R.S. 37:1967 relating to the transaction under investigation. The
7 operator shall deliver the ~~personally identifiable~~ information, including both the
8 transactional information and personally identifiable information, relating to the
9 identified transaction to the appropriate law enforcement official within twenty-four
10 hours of the request.

11 * * *

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)]

Broadwater

HB No. 636

Abstract: Requires pawn brokers, secondhand dealers, and scrap metal recyclers to provide both transactional and personally identifiable information about sellers of goods.

Present law requires every pawnbroker to maintain a permanent record of all transactions of things pledged on the pawnshop premises and to provide all transactional information to the chief of police of the city or town in which he is doing business or to the sheriff of the parish in which he is doing business, on a daily basis by the end of the next business day or on such less frequent basis as is required by the chief of police or sheriff. Present law further provides that the means for providing the transactional information shall be selected by the chief of police or sheriff and shall be one of the following:

- (1) By electronic transmission if the pawnbroker has the means available to make transmissions in electronic form via a system which makes solely transactional information available for transmission and for examination by the chief of police of the city or town in which he is doing business, or by the sheriff of the parish in which he is doing business.
- (2) By placing in the U. S. mail.
- (3) By sending a facsimile.

Proposed law retains present law but adds the requirement that the pawnbroker also include the personally identifiable information.

Present law requires every secondhand dealer to maintain records of all purchases of used or secondhand goods or junk and to make out and deliver to the chief of police of the city or town or to the sheriff of the parish in which he is doing business, every day before the

hour of twelve noon, a legible and correct copy of the records of purchases from the previous day. Present law further provides that the means for providing the transactional information shall be by electronic transmission.

Proposed law retains present law but adds the requirement that the secondhand dealer also include the personally identifiable information.

Present law requires every scrap metal recycler to keep a register and file reports or electronically maintain data and be capable of readily providing reports of all purchases of scrap metal and to produce and deliver to the chief of police of the city or town or to the sheriff of the parish in which he is doing business, every day before the hour of twelve noon, a legible and correct copy of the records of purchases of scrap metal from the previous day. Present law further provides that the means for providing the transactional information shall be by electronic transmission.

Proposed law retains present law but adds the requirement that the scrap metal recycler also include the personally identifiable information.

(Amends R.S. 37:1798(A)(1)(intro. para.) and (a), (2), and (3), 1866(A), and 1972(A))