

2017 Regular Session

HOUSE BILL NO. 268

BY REPRESENTATIVE JIMMY HARRIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/RECORDS: Provides relative to criminal history records checks for agencies with access to federal tax information, criminal history record information, or state issued REAL ID information

1 AN ACT

2 To enact R.S. 15:587.5 and 587.6, R.S. 23:1657.1, R.S. 36:254.3 and 701.1, R.S. 39:15.1.1  
3 and 15.1.2, R.S. 46:51.3, and R.S. 47:1504.1, relative to criminal history records  
4 checks; to provide for criminal history records checks for current and prospective  
5 employees, contractors, and subcontractors of agencies with access to federal tax  
6 information, criminal history record information, or state issued REAL ID  
7 information; to provide relative to the procedures and costs for the criminal history  
8 records checks; to provide for the use of these records; to authorize state agencies to  
9 require criminal history records checks; to provide for a definition; and to provide  
10 for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 15:587.5 and 587.6 are hereby enacted to read as follows:

13 §587.5. Agencies with access to federal tax information; criminal history  
14 information

15 A. For purposes of this Section, "agency" means any agency that has an  
16 agreement with the Internal Revenue Service to access federal tax information.

17 Agency shall include all of the following:

18 (1) Department of Revenue.

1           (2) Department of Justice; collections section and information technology  
2           section.

3           (3) Division of Administration; office of technology services.

4           (4) Department of Children and Family Services; child support enforcement  
5           and family support.

6           (5) Louisiana Department of Health; medicaid eligibility section.

7           (6) Louisiana Workforce Commission; office of unemployment insurance  
8           administration.

9           B.(1) An agency with access to federal tax information may require any  
10          current or prospective employee, contractor, or subcontractor to submit to a criminal  
11          history records check to be conducted by the Louisiana Bureau of Criminal  
12          Identification and Information. Fingerprints and other identifying information from  
13          the current or prospective employee, contractor, or subcontractor shall be submitted  
14          to the bureau by the employee, contractor, or subcontractor.

15          (2) When a criminal history records check is requested pursuant to Paragraph  
16          (1) of this Subsection, the bureau shall provide the agency with the state criminal  
17          history record information of the current or prospective employee, contractor, or  
18          subcontractor. In addition, when the agency requests national criminal history  
19          records checks, the bureau shall forward the fingerprints to the Federal Bureau of  
20          Investigation for a national criminal history records check and shall provide the  
21          agency with the national criminal history record information of the current or  
22          prospective employee, contractor, or subcontractor.

23          C. A local criminal history records check may also be requested by an  
24          agency for a current or prospective employee, contractor, or subcontractor. The  
25          request may be sent to any jurisdiction where the current or prospective employee,  
26          contractor, or subcontractor has lived, worked, and attended school within the last  
27          five years.

28          D.(1) Fingerprinting and national, state, and local criminal history records  
29          checks are to be used by the agency to determine the suitability of the current or

1 prospective employee, contractor, or subcontractor to access federal tax information  
2 and records.

3 (2) Prospective employees shall be subject to fingerprinting and national,  
4 state, and local criminal history records checks only after a conditional offer of  
5 employment has been made.

6 (3) Current employees, contractors, and subcontractors with access to federal  
7 tax information shall be subject to fingerprinting and national, state, and local  
8 criminal history records checks at a minimum of every ten years.

9 E. The costs of providing the information required under this Section shall  
10 be charged by the bureau, as specified in R.S. 15:587(B), to the agency for furnishing  
11 information contained in the bureau's criminal history and identification files,  
12 including any additional costs of providing the national criminal history records  
13 check, which pertains to the current or prospective employee, contractor, or  
14 subcontractor.

15 §587.6. Division of administration, office of technology services; access to criminal  
16 history information or state issued REAL ID Information

17 A.(1) Pursuant to R.S. 39:15.1.2, current or prospective employees,  
18 contractors, or subcontractors of the division of administration, office of technology  
19 services, who have access to criminal history record information or state issued  
20 REAL ID information shall submit to a criminal history records check to be  
21 conducted by the Louisiana Bureau of Criminal Identification and Information.  
22 Fingerprints and other identifying information from the current or prospective  
23 employee, contractor, or subcontractor shall be submitted to the bureau by the  
24 employee, contractor, or subcontractor.

25 (2) When a criminal history records check is requested pursuant to Paragraph  
26 (1) of this Subsection, the bureau shall provide the office of technology services with  
27 the state criminal history record information of the current or prospective employee,  
28 contractor, or subcontractor. In addition, when the office of technology services  
29 requests national criminal history records checks, the bureau shall forward the

1 fingerprints to the Federal Bureau of Investigation for a national criminal history  
2 records check and shall provide the office of technology services with the national  
3 criminal history record information of the current or prospective employee,  
4 contractor, or subcontractor.

5 (3) A local criminal history records check may also be requested by the  
6 office of technology services for a current or prospective employee, contractor, or  
7 subcontractor. The request may be sent to any jurisdiction where the current or  
8 prospective employee, contractor, or subcontractor has lived, worked, and attended  
9 school within the last five years.

10 B.(1) Fingerprinting and national, state, and local criminal history records  
11 checks are to be used by the office of technology services to determine the suitability  
12 of the current or prospective employee, contractor, or subcontractor to access  
13 criminal history record information or state issued REAL ID information.

14 (2) Prospective employees shall be subject to fingerprinting and national,  
15 state, and local criminal history records checks only after a conditional offer of  
16 employment has been made.

17 (3) Current employees, contractors, and subcontractors with access to  
18 criminal history record information or state issued REAL ID information shall be  
19 subject to fingerprinting and national, state, and local criminal history records checks  
20 at a minimum of every ten years.

21 C. The costs of providing the information required under this Section shall  
22 be charged by the bureau, as specified in R.S. 15:587(B), to the office of technology  
23 services for furnishing information contained in the bureau's criminal history and  
24 identification files, including any additional costs of providing the national criminal  
25 history records check, which pertains to the current or prospective employee,  
26 contractor, or subcontractor.

1 Section 2. R.S. 23:1657.1 is hereby enacted to read as follows:

2 §1657.1. Criminal history information; access to federal tax information

3 The Louisiana Workforce Commission, office of unemployment insurance  
4 administration, is authorized to perform criminal history records checks of current  
5 and prospective employees, contractors, and subcontractors in accordance with the  
6 procedures provided in R.S. 15:587.5. Pursuant to this authorization and to  
7 implement the requirements of R.S. 15:587.5, the executive director shall promulgate  
8 rules and regulations with regard to this matter.

9 Section 3. R.S. 36:254.3 and 701.1 are hereby enacted to read as follows:

10 §254.3. Criminal history information; access to federal tax information

11 The Department of Health, medicaid eligibility section, is authorized to  
12 perform criminal history records checks of current and prospective employees,  
13 contractors, and subcontractors in accordance with the procedures provided in R.S.  
14 15:587.5. Pursuant to this authorization and to implement the requirements of R.S.  
15 15:587.5, the secretary shall promulgate rules and regulations with regard to this  
16 matter.

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18 §701.1. Criminal history information; access to federal tax information

19 The Department of Justice, collections section and information technology  
20 section, is authorized to perform criminal history records checks of current and  
21 prospective employees, contractors, and subcontractors in accordance with the  
22 procedures provided in R.S. 15:587.5. Pursuant to this authorization and to  
23 implement the requirements of R.S. 15:587.5, the attorney general shall promulgate  
24 rules and regulations with regard to this matter.

25 Section 4. R.S. 39:15.1.1 and 15.1.2 are hereby enacted to read as follows:

26 §15.1.1. Criminal history information; access to federal tax information

27 The division of administration, office of technology services, is authorized  
28 to perform criminal history records checks of current and prospective employees,  
29 contractors, and subcontractors in accordance with the procedures provided in R.S.

1 15:587.5. Pursuant to this authorization and to implement the requirements of R.S.  
2 15:587.5, the commissioner of administration shall promulgate rules and regulations  
3 with regard to this matter.

4 §15.1.2. Criminal history information; access to restricted data

5 The division of administration, office of technology services, is authorized  
6 to perform criminal history records checks of current and prospective employees,  
7 contractors, and subcontractors in accordance with the procedures provided in R.S.

8 15:587.6. Pursuant to this authorization and to implement the requirements of R.S.  
9 15:587.6, the commissioner of administration shall promulgate rules and regulations  
10 with regard to this matter.

11 Section 5. R.S. 46:51.3 is hereby enacted to read as follows:

12 §51.3. Criminal history information; access to federal tax information

13 The Department of Children and Family Services, office of child support  
14 enforcement and family support, is authorized to perform criminal history records  
15 checks of current and prospective employees, contractors, and subcontractors in  
16 accordance with the procedures provided in R.S. 15:587.5. Pursuant to this  
17 authorization and to implement the requirements of R.S. 15:587.5, the secretary shall  
18 promulgate rules and regulations with regard to this matter.

19 Section 6. R.S. 47:1504.1 is hereby enacted to read as follows:

20 §1504.1. Criminal history information; access to federal tax information

21 The Department of Revenue is authorized to perform criminal history records  
22 checks of current and prospective employees, contractors, and subcontractors in  
23 accordance with the procedures provided in R.S. 15:587.5. Pursuant to this  
24 authorization and to implement the requirements of R.S. 15:587.5, the secretary shall  
25 promulgate rules and regulations in consultation with the agencies listed in R.S.  
26 15:587.5(A).

27 Section 7. This Act shall become effective upon signature by the governor or, if not  
28 signed by the governor, upon expiration of the time for bills to become law without signature  
29 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
2 effective on the day following such approval.
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## 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)]

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HB 268 Original

2017 Regular Session

Jimmy Harris

**Abstract:** Authorizes certain agencies with access to federal tax information, criminal history record information, or state issued REAL ID information to perform a criminal history records check on current and prospective employees, contractors, and subcontractors and to promulgate rules and regulations relating to criminal history records checks.

Proposed law authorizes an agency with access to federal tax information, criminal history record information, or state issued REAL ID information to require any current or prospective employee, contractor, or subcontractor to submit to a national, state, and local criminal history records check. Requires the current or prospective employee, contractor, or subcontractor to submit fingerprints and other identifying information to the La. Bureau of Criminal Identification and Information. The bureau is required to provide the agency with the criminal history record information of the current or prospective employee, contractor, or subcontractor.

Proposed law provides that the fingerprints and national, state, and local criminal history records checks are used to determine the suitability of the current or prospective employee, contractor, or subcontractor to access federal tax information, criminal history record information, or state issued REAL ID information. Current employees, contractors, and subcontractors are subject to fingerprinting and criminal history records checks at a minimum of every 10 years. Prospective employees are subject to fingerprinting and criminal history records check after a conditional offer of employment has been made.

Proposed law requires the bureau to charge the agency for furnishing the information contained in the bureau's criminal history and identification files, including any additional costs.

Proposed law defines "agency" as any agency that has an agreement with the Internal Revenue Service to access federal tax information, and includes the:

- (1) Dept. of Revenue.
- (2) Dept. of Justice; collections section and information technology section.
- (3) Division of Administration; office of technology services.
- (4) Dept. of Children and Family Services; child support enforcement and family support.
- (5) La. Dept. of Health; medicaid eligibility section.
- (6) La. Workforce Commission; office of unemployment insurance administration.

Proposed law further requires the agencies to promulgate rules and regulations relating to the criminal history records checks of current or prospective employees, contractors, or subcontractors.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 15:587.5 and 587.6, R.S. 23:1657.1, R.S. 36:254.3 and 701.1, R.S. 39:15.1.1 and 15.1.2, R.S. 46:51.3, and R.S. 47:1504.1)