

2018 Regular Session

HOUSE BILL NO. 781

BY REPRESENTATIVE STAGNI

CRIMINAL/RECORDS: Authorizes the La. State Board of Chiropractic Examiners to access expunged criminal history records

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 973(B), relative to expunged  
3 criminal records; to authorize certain entities to request and receive expunged  
4 criminal records; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 973(B) is hereby amended and  
7 reenacted to read as follows:

8 Art. 973. Effect of expunged record of arrest or conviction

9 \* \* \*

10 B. Upon written request therefor and on a confidential basis, the information  
11 contained in an expunged record may be released to the following entities that shall  
12 maintain the confidentiality of such record: the Office of Financial Institutions, the  
13 Louisiana State Board of Medical Examiners, the Louisiana State Board of Nursing,  
14 the Louisiana State Board of Dentistry, the Louisiana State Board of Examiners of  
15 Psychologists, the Louisiana Board of Pharmacy, the Louisiana State Board of Social  
16 Work Examiners, the Emergency Medical Services Certification Commission,  
17 Louisiana Attorney Disciplinary Board, Office of Disciplinary Counsel, the  
18 Louisiana Supreme Court Committee on Bar Admissions, the Louisiana Department  
19 of Insurance, the Louisiana Licensed Professional Counselors Board of Examiners,  
20 the Louisiana State Board of Chiropractic Examiners, or any person or entity

1 requesting a record of all criminal arrests and convictions pursuant to R.S. 15:587.1,  
 2 or as otherwise provided by law.

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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 781 Engrossed

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**Abstract:** Authorizes the Louisiana State Board of Chiropractic Examiners to request and receive expunged records.

Present law provides that an expunged record of arrest or conviction shall be confidential and no longer considered to be a public record and shall not be made available to any person or other entity.

Present law provides exceptions to present law for the release of such records under certain circumstances to a member of a law enforcement, criminal justice agency, prosecutor, judge, or the person whose record has been expunged, or pursuant to an order of a court of competent jurisdiction and after a contradictory hearing for good cause shown.

Proposed law retains present law.

Present law also provides that upon written request and on a confidential basis, the information contained in an expunged record may be released to the following entities: the Office of Financial Institutions, the Louisiana State Board of Medical Examiners, the Louisiana State Board of Nursing, the Louisiana State Board of Dentistry, the Louisiana State Board of Examiners of Psychologists, the Louisiana Board of Pharmacy, the Louisiana State Board of Social Work Examiners, the Emergency Medical Services Certification Commission, Louisiana Attorney Disciplinary Board, Office of Disciplinary Counsel, the Louisiana Supreme Court Committee on Bar Admissions, the Louisiana Department of Insurance, the Louisiana Licensed Professional Counselors Board of Examiners, or any person or entity requesting a record of all criminal arrests and convictions pursuant to present law provisions involving the protection of children, or as otherwise provided by law.

Proposed law retains present law and also adds the Louisiana State Board of Chiropractic Examiners to the list of entities authorized to request and receive an expunged record.

(Amends C.Cr.P. Art. 973(B))