

RÉSUMÉ DIGEST

ACT 376 (SB 308)

2018 Regular Session

Mizell

New law establishes a volunteer and employee criminal history system operated by the La. Bureau of Criminal Identification and Information. Allows certain businesses and organizations that provide care to children, the elderly, or individuals with disabilities to register with the bureau to obtain a state and federal criminal history report on individuals who have or seek to have access to those children, elderly, or individuals with disabilities, to determine their suitability to be providing care to those persons. Specifies that the access to obtain such reports is allowed in the absence of specific statutory provisions regarding access to criminal history record information.

New law provides for definitions.

New law allows the bureau to charge a processing fee for the criminal history report pursuant to provisions in prior law.

New law requires the business or organization that requests the criminal history report to maintain the confidentiality of the report.

New law provides that a qualified entity is not liable for damages solely for failing to obtain background check information. Further provides that except in instances of gross negligence or willful and wanton misconduct, the state, any political subdivision of the state, or any agency, officer, or employee of the state or a political subdivision shall not be liable for damages for providing the information.

New law authorizes the bureau to promulgate rules to implement the provisions of new law.

Effective January 1, 2019.

(Adds R.S. 15:587.7)