

2019 Regular Session

HOUSE BILL NO. 99

BY REPRESENTATIVE FALCONER

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

CRIMINAL/RECORDS: Provides relative to background checks for certain head coaches of youth athletes

1 AN ACT

2 To amend and reenact R.S. 15:587.3, relative to criminal identification and information; to  
3 provide relative to volunteers and employees in youth-serving institutions or  
4 organizations; to provide relative to coaches of youth athletes; to require the release  
5 of investigative records for head coaches of youth athletes; to require fingerprinting  
6 and background checks for the head coaches; to provide relative to the procedures  
7 and costs for criminal history records checks; to provide relative to training  
8 programs; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 15:587.3 is hereby amended and reenacted to read as follows:

11 §587.3. Volunteers and employees in youth-serving institutions or organizations;  
12 other youth coaches; criminal background information

13 A.(1) A religious, charitable, scientific, educational, athletic, or youth-  
14 serving institution or organization may require any person; who applies to work with  
15 children as a volunteer or as a paid employee; to do ~~one or more of~~ the following:

16 ~~(1)(a)~~ (a) Agree to ~~the~~ release of all investigative records to such religious,  
17 charitable, scientific, educational, athletic, or youth-service institution or  
18 organization for examination for the purpose of verifying the accuracy of criminal  
19 violation information contained on an application to work for such institution or  
20 organization.

1           ~~(2)~~(b) Supply fingerprint samples and submit to a criminal history records  
2 check to be conducted by the Louisiana ~~State Police~~ Bureau of Criminal  
3 Identification and Information.

4           (2) Any head coach of youth athletes in an organized sports or recreational  
5 athletic contest, not as part of a religious, charitable, scientific, educational, athletic,  
6 or youth-serving institution or organization to which Paragraph (1) of this Subsection  
7 would apply and is not a parent of the child, legal guardian of the child, or is  
8 otherwise not a family member of the child, shall do the following:

9           (a) Agree to release all investigative records for examination for the purpose  
10 of verifying the accuracy of criminal violation information.

11           (b) Supply fingerprint samples and submit to a criminal history records  
12 check to be conducted by the Louisiana Bureau of Criminal Identification and  
13 Information.

14           (c) Make available criminal history record information.

15           ~~(3)~~B. ~~Attend~~ In addition to Subsection A, any volunteer, paid employee, or  
16 head coach may be required to attend a comprehensive youth protection training  
17 program which includes adult training on recognition, disclosure, reporting, and  
18 prevention of abuse and submit to character, employment, education, and reference  
19 checks.

20           B.C. Any person who is requested to comply with the requirements set forth  
21 in Subsection A, and refuses to do so, shall be prohibited from working with children  
22 as a volunteer or as a paid employee.

23           D. When a criminal history records check is requested pursuant to  
24 Subsection A of this Section, the Louisiana Bureau of Criminal Identification and  
25 Information shall provide the requestor with the state criminal history record  
26 information of the individual subject to the inquiry. In addition, the bureau shall  
27 forward the fingerprints to the Federal Bureau of Investigation for a national criminal  
28 history records check and shall provide the requestor with the national criminal  
29 history record information of the individual subject to the inquiry.

- 1           E.(1) The costs of providing the information required under this Section shall  
 2           be charged by the bureau, as specified in R.S. 15:587(B), to the individual subject  
 3           to the inquiry for furnishing information contained in the bureau's criminal history  
 4           and identification files, including any additional costs of providing the national  
 5           criminal history records check which pertains to the individual.
- 6           (2) Notwithstanding Paragraph (1) of this Subsection, for paid employees of  
 7           a youth-serving institution or organization, the costs of providing the information  
 8           required under this Section shall be charged by the bureau, as specified in R.S.  
 9           15:587(B), to the institution or organization.

## 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)]

HB 99 Reengrossed

2019 Regular Session

Falconer

**Abstract:** Requires certain head coaches of youth athletes to submit to a criminal background check and provides relative to the cost of obtaining the background check.

Present law provides that a religious, charitable, scientific, educational, athletic, or youth-serving institution or organization may require any person, who applies to work with children as a volunteer or as a paid employee, to do the following:

- (1) Agree to release all investigative records for the purpose of verifying the accuracy of criminal violation information.
- (2) Supply fingerprints and submit to a criminal history records check.
- (3) Attend a comprehensive youth protection training program.

Proposed law retains present law.

Proposed law provides that any head coach of youth athletes in an organized sports or recreational athletic contest, not as part of a religious, charitable, scientific, educational, athletic, or youth-serving institution, and who is not a parent of the child, legal guardian of the child, or is otherwise not a family member of the child, is required to do the following:

- (1) Agree to release all investigative records for the purpose of verifying the accuracy of criminal violation information.
- (2) Supply fingerprints and submit to a criminal history records check.
- (3) Make available criminal history record information.

Proposed law provides that when a criminal history records check is requested, the La. Bureau of Criminal Identification and Information shall provide the requestor with the state

criminal history record information of the individual subject to the inquiry. Proposed law further requires the bureau to forward the fingerprints to the FBI for a national criminal history records check and provide the requestor with the national criminal history record information of the individual subject to the inquiry.

Proposed law requires the bureau to charge the individual subject to the background check for furnishing information contained in the criminal history and identification files, including any additional costs. For paid employees of a youth-serving institution or organization, the bureau is required to charge the institution or organization for the criminal history records check.

(Amends R.S. 15:587.3)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Remove the requirement that a parent or legal guardian request the criminal history record information from the coach.

The House Floor Amendments to the engrossed bill:

1. Make technical corrections.
2. Restore present law relative to background checks for persons who apply to work with children as a volunteer or paid employee of a religious, charitable, scientific, educational, athletic, or youth-serving institution or organization.
3. Amend proposed law to specify that proposed law applies to any head coach of youth athletes in an organized sports or recreational contest.
4. Provide that proposed law does not apply to a parent of the child, a legal guardian of the child, or a family member of the child.
5. For paid employees of a youth-serving institution or organization, require the bureau to charge the institution or organization for the costs of the criminal history records check.