

2020 Regular Session

HOUSE BILL NO. 602

BY REPRESENTATIVE BRYANT

CRIMINAL/RECORDS: Provides relative to criminal history record information for the Louisiana Department of Education

1 AN ACT

2 To amend and reenact R.S. 15:587(A)(1)(a) and 587.1(B)(1) and to enact R.S. 15:576(6) and
3 587(A)(1)(j) and (I), relative to criminal identification and information; to provide
4 relative to the Louisiana Bureau of Criminal Identification and Information; to
5 provide relative to definitions; to require the bureau to make available to the
6 Louisiana Department of Education criminal history record and identification files;
7 to provide relative to latent fingerprint searches; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:587(A)(1)(a) and 587.1(B)(1) are hereby amended and reenacted
10 and R.S. 15:576(6) and 587(A)(1)(j) and (I) are hereby enacted to read as follows:

11 §576. Definitions

12 As used in this Chapter:

13 * * *

14 (6) The term "FBI rap back system" means a service maintained by the
15 Federal Bureau of Investigation to provide authorized noncriminal and criminal
16 justice agencies ongoing status notifications of any criminal history subsequently
17 reported to the FBI in its criminal history system after the initial criminal or civil
18 transaction.

19 * * *

1 §587. Duty to provide information; processing fees; Louisiana Bureau of Criminal
2 Identification and Information

3 A.(1)(a) The bureau shall make available upon request, or at such other times
4 as the deputy secretary shall designate, to any eligible criminal justice agency and
5 the Louisiana Department of Education, the Louisiana Department of Health, the
6 state fire marshal when reviewing applications for licensure, the Department of
7 Children and Family Services, the Department of Insurance, the Louisiana State
8 Racing Commission, the Senate and Governmental Affairs Committee, the House
9 and Governmental Affairs Committee, the secretary of the Louisiana Workforce
10 Commission or his designee, the Board of River Port Pilot Commissioners, the
11 Office of Financial Institutions in the office of the governor, the office of the
12 disciplinary counsel of the Louisiana Attorney Disciplinary Board of the Louisiana
13 State Bar Association; however, as to any licensed attorney such information shall
14 be provided only after the issuance of a formal charge against the attorney, the
15 Louisiana Supreme Court Committee on Bar Admissions, the municipal or parish
16 department or personnel responsible for reviewing applications for alcoholic
17 beverage outlet permits, and the legislative auditor any information contained in the
18 criminal history record and identification files of the bureau. The Department of
19 Children and Family Services may provide information secured pursuant to this
20 Subsection to all federal and state agencies providing child support enforcement
21 services.

22 * * *

23 (j)(i) The Louisiana Department of Education shall be entitled to the criminal
24 history record and identification files of the bureau of any person who has submitted
25 a fingerprint request pursuant to R.S. 15:587.1, R.S. 17:407.42 and 407.71. The
26 bureau is authorized to submit fingerprints to the Federal Bureau of Investigation to
27 be retained in the FBI rap back system for the purpose of being searched by future
28 submissions to the FBI rap back system, including latent fingerprint searches. The

1 bureau shall make available to the Louisiana Department of Education rap backs for
2 requests made pursuant to R.S. 17:407.42 and 407.71.

3 (ii) The Louisiana Department of Education shall be entitled to criminal
4 history record and identification files of the bureau of any person who has submitted
5 a fingerprint request pursuant to R.S. 15:587.1 and R.S. 17:15. The bureau is
6 authorized to submit fingerprints to the Federal Bureau of Investigation to be
7 retained in the FBI rap back system for the purpose of being searched by future
8 submissions to the FBI rap back system, including latent fingerprint searches. The
9 bureau shall make available to the Louisiana Department of Education rap backs for
10 requests made pursuant to R.S. 17:15.

11 * * *

12 I. The bureau is authorized to submit fingerprints to the FBI rap back system
13 to be retained in the FBI rap back system for the purpose of being searched by future
14 submissions to the FBI rap back system, including latent fingerprint searches.

15 §587.1. Provision of information to protect children

16 * * *

17 B.(1)(a) Upon receiving a request pursuant to the provisions of R.S. 17:15,
18 407.42, and 407.71, and R.S. 46:51.2 when authorized by R.S. 15:587, that meets the
19 requirements of Subsection A of this Section, the bureau of criminal identification
20 and information shall survey its criminal history records and identification files and
21 make a simultaneous request of the Federal Bureau of Investigation for like
22 information from other jurisdictions. The bureau of criminal identification and
23 information shall provide a report promptly and in writing, but provide only such
24 information as is necessary to specify whether or not that person has been arrested
25 for or convicted of or pled nolo contendere to any crime or crimes, the crime or
26 crimes of which he has been arrested for or convicted or to which he has pled nolo
27 contendere, and the date or dates on which they occurred. The report provided
28 pursuant to the provisions of this Subsection shall include arrests, convictions, or

Present law (R.S. 15:576) provides for definitions of the following terms: "bureau", "criminal history record" or "criminal history record information", "criminal justice agency", "criminal justice information system", and "criminal justice system".

Proposed law adds a definition for the term "FBI rap back system" which means a service maintained by the FBI to provide authorized noncriminal and criminal justice agencies ongoing status notifications of any criminal history subsequently reported to the FBI in its criminal history system after the initial criminal or civil transaction.

Present law (R.S. 15:587) requires the bureau to provide such information, upon request and as the deputy secretary of the Dept. of Public Safety and Corrections designates, to any eligible criminal justice agency, and the La. Dept. of Health, the state fire marshal, the Dept. of Children and Family Services, the Dept. of Insurance, the La. State Racing Commission, the Senate and Governmental Affairs Committee, the House and Governmental Affairs Committee, the executive director of the La. Workforce Commission or his designee, the Board of River Port Pilot Commissioners, the Office of Financial Institutions in the office of the governor, the office of disciplinary counsel of the La. Attorney Disciplinary Board, the La. Supreme Court Committee on Bar Admissions, the municipal or parish department or personnel responsible for reviewing applications for alcoholic beverage outlet permits, and the legislative auditor.

Proposed law adds the La. Dept. of Education as an entity eligible to receive such information.

Proposed law provides that the La. Dept. of Education shall be entitled to the criminal history record and identification files of the bureau of any person who has submitted a fingerprint request pursuant to present law (R.S. 15:587.1, R.S. 17:15, 407.42, and 407.71). The bureau is authorized to submit fingerprints to the FBI to be retained in the FBI rap back system for the purpose of being searched by future submissions to the FBI rap back system, including latent fingerprint searches. Requires the bureau to make available to the La. Dept. of Education rap backs for requests made pursuant to present law (R.S. 17:15, 407.42, and 407.21).

Present law (R.S. 15:587.1) provides that any employer or others responsible for the actions of one or more persons who have been given or have applied to be considered for a position of supervisory or disciplinary authority over children, the Dept. of Children and Family Services as employer of one or more persons who have been given or have applied to be considered for a position whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys, and for individuals who are employed by or contracted staff of a child care institution, shall request in writing that the bureau supply information to ascertain whether that person has been arrested for or convicted of, or pled nolo contendere to, any criminal offense.

Proposed law provides that for requests made pursuant to present law (R.S. 17:15, 407.42, and 407.71) the bureau is authorized to submit fingerprints to the FBI to be retained in the FBI rap back system for the purpose of being searched by future submissions to the FBI rap back system, including latent fingerprint searches. Requires the bureau to make available to the La. Dept. of Education rap backs for requests made pursuant to present law (R.S. 17:15, 407.42, and 407.71). Requires any recipient of such information to maintain the confidentiality of such criminal history information in accordance with applicable state or federal law.

(Amends R.S. 15:587(A)(1)(a) and 587.1(B)(1); Adds R.S. 15:576(6), 587(A)(1)(j) and (I))