

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; to provide for an effective date; and  
8 to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

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

12 §576. Definitions

13 As used in this Chapter:

14 \* \* \*

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

20 \* \* \*

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

1 other dispositions, including convictions dismissed pursuant to Code of Criminal  
2 Procedure Articles 893 and 894.

3 (b) In addition to the requirements of Subparagraph (a) of this Paragraph, for  
4 requests made pursuant to R.S. 17:407.42 and 407.71, the bureau is authorized to  
5 submit fingerprints to the Federal Bureau of Investigation to be retained in the FBI  
6 rap back system for the purpose of being searched by future submissions to the FBI  
7 rap back system, including latent fingerprint searches. The bureau shall make  
8 available to the Louisiana Department of Education rap backs for requests made  
9 pursuant to R.S. 17:407.42 and 407.71. Any recipient of such information as  
10 provided for in this Paragraph shall maintain the confidentiality of such criminal  
11 history information in accordance with applicable state or federal law.

12 (c) In addition to the requirements of Subparagraph (a) of this Paragraph, for  
13 requests made pursuant to R.S. 17:15, the bureau is authorized to submit fingerprints  
14 to the Federal Bureau of Investigation to be retained in the FBI rap back system for  
15 the purpose of being searched by future submissions to the FBI rap back system,  
16 including latent fingerprint searches. The bureau shall make available to the  
17 Louisiana Department of Education rap backs for requests made pursuant to R.S.  
18 17:15. Any recipient of such information as provided for in this Paragraph shall  
19 maintain the confidentiality of such criminal history information in accordance with  
20 applicable state or federal law.

21 \* \* \*

22 Section 2(A). Except as provided in Subsection B of this Section, this Act shall  
23 become effective upon signature by the governor or, if not signed by the governor, upon  
24 expiration of the time for bills to become law without signature by the governor, as provided  
25 by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and  
26 subsequently approved by the legislature, this Act shall become effective on the day  
27 following such approval.

28 (B). R.S. 15:587(A)(1)(j)(ii) and 587.1(B)(1)(c), enacted by this Act, shall become  
29 effective upon the promulgation of rules by the Louisiana State Board of Elementary and

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

- 1 Secondary Education providing for a development of a system designed to receive criminal  
2 history record and identification files pursuant to the FBI rap back system.

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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 602 Engrossed

2020 Regular Session

Bryant

**Abstract:** Adds the La. Dept. of Education as an entity to receive criminal history record and identification files and adds a definition for the term "FBI rap back system".

Present law creates, within the Dept. of Public Safety and Corrections, the La. Bureau of Criminal Identification and Information which has the responsibility for establishing and maintaining a central repository of criminal history records.

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.

With regard to those persons submitting a fingerprint request pursuant to present law (R.S. 17:15) proposed law shall become effective upon the promulgation of rules by the La. State Board of Elementary and Secondary Education providing for a development of a system designed to receive criminal history record and identification files pursuant to the FBI rap back system.

(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))

#### Summary of Amendments Adopted by House

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

1. Provide that certain proposed law provisions shall become effective upon the promulgation of rules by the La. State Board of Elementary and Secondary Education providing for a development of a system designed to receive criminal history record and identification files pursuant to the FBI rap back system.
2. Provide that all other proposed law provisions shall become effective upon signature of the governor.