

2020 Regular Session

HOUSE BILL NO. 602

BY REPRESENTATIVE BRYANT AND SENATOR BARROW

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 \* \* \*

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

23 A.(1)(a) The bureau shall make available upon request, or at such other times  
24 as the deputy secretary shall designate, to any eligible criminal justice agency and  
25 the Louisiana Department of Education, the Louisiana Department of Health, the

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

17 \* \* \*

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

26 (ii) The Louisiana Department of Education shall be entitled to criminal  
 27 history record and identification files of the bureau of any person who has submitted  
 28 a fingerprint request pursuant to R.S. 15:587.1 and R.S. 17:15. The bureau is  
 29 authorized to submit fingerprints to the Federal Bureau of Investigation to be  
 30 retained in the FBI rap back system for the purpose of being searched by future

1 submissions to the FBI rap back system, including latent fingerprint searches. The  
2 bureau shall make available to the Louisiana Department of Education rap backs for  
3 requests made pursuant to R.S. 17:15.

4 \* \* \*

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

8 §587.1. Provision of information to protect children

9 \* \* \*

10 B.(1)(a) Upon receiving a request pursuant to the provisions of R.S. 17:15,  
11 407.42, and 407.71, and R.S. 46:51.2 when authorized by R.S. 15:587, that meets the  
12 requirements of Subsection A of this Section, the bureau of criminal identification  
13 and information shall survey its criminal history records and identification files and  
14 make a simultaneous request of the Federal Bureau of Investigation for like  
15 information from other jurisdictions. The bureau of criminal identification and  
16 information shall provide a report promptly and in writing, but provide only such  
17 information as is necessary to specify whether or not that person has been arrested  
18 for or convicted of or pled nolo contendere to any crime or crimes, the crime or  
19 crimes of which he has been arrested for or convicted or to which he has pled nolo  
20 contendere, and the date or dates on which they occurred. The report provided  
21 pursuant to the provisions of this Subsection shall include arrests, convictions, or  
22 other dispositions, including convictions dismissed pursuant to Code of Criminal  
23 Procedure Articles 893 and 894.

24 (b) In addition to the requirements of Subparagraph (a) of this Paragraph, for  
25 requests made pursuant to R.S. 17:407.42 and 407.71, the bureau is authorized to  
26 submit fingerprints to the Federal Bureau of Investigation to be retained in the FBI  
27 rap back system for the purpose of being searched by future submissions to the FBI  
28 rap back system, including latent fingerprint searches. The bureau shall make  
29 available to the Louisiana Department of Education rap backs for requests made  
30 pursuant to R.S. 17:407.42 and 407.71. Any recipient of such information as

1 provided for in this Paragraph shall maintain the confidentiality of such criminal  
2 history information in accordance with applicable state or federal law.

3 (c) In addition to the requirements of Subparagraph (a) of this Paragraph, for  
4 requests made pursuant to R.S. 17:15, the bureau is authorized to submit fingerprints  
5 to the Federal Bureau of Investigation to be retained in the FBI rap back system for  
6 the purpose of being searched by future submissions to the FBI rap back system,  
7 including latent fingerprint searches. The bureau shall make available to the  
8 Louisiana Department of Education rap backs for requests made pursuant to R.S.  
9 17:15. Any recipient of such information as provided for in this Paragraph shall  
10 maintain the confidentiality of such criminal history information in accordance with  
11 applicable state or federal law.

12 \* \* \*

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

19 (B). R.S. 15:587(A)(1)(j)(ii) and 587.1(B)(1)(c), enacted by this Act, shall become  
20 effective upon the promulgation of rules by the Louisiana State Board of Elementary and  
21 Secondary Education providing for a development of a system designed to receive criminal  
22 history record and identification files pursuant to the FBI rap back system.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_