

2020 Second Extraordinary Session

HOUSE BILL NO. 2

BY REPRESENTATIVE JAMES

CRIMINAL/RECORDS: Provides relative to the availability of certain criminal justice system data to certain nonprofit entities (Item #63)

1 AN ACT

2 To enact R.S. 15:584(C) and 587(J), relative to criminal justice system data; to provide
3 relative to the duty and authority of the Louisiana Bureau of Criminal Identification
4 and Information to cooperate with certain nonprofit entities; to provide for the
5 authority of certain nonprofit entities to obtain access to certain criminal justice
6 system data and information under certain conditions; to provide relative to the
7 nonprofit entities access to de-identified arrest and conviction information; to
8 provide relative to the execution of a nondisclosure agreement; to provide for a
9 termination date; to provide for an effective date; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 15:584(C) and 587(J) are hereby enacted to read as follows:

12 §584. Cooperation with federal and other state agencies

13 * * *

14 C.(1) For the sole purpose of assisting with the study and evaluation of the
15 creation and implementation of a procedure for automated criminal history record-
16 clearing in Louisiana, the bureau may cooperate with nonprofit partners providing
17 technical assistance to the Clean Slate Task Force established by House Resolution
18 No. 67 of the 2020 Regular Session of the Legislature.

19 (2) This Subsection shall cease to be effective on August 1, 2022.

20 * * *

1 nondisclosure agreement with the bureau and shall execute any nondisclosure
2 agreement required by the bureau's vendors that maintain the disclosed information.

3 (4) This Subsection shall cease to be effective on August 1, 2022.

4 Section 2. This Act shall become effective upon signature by the governor or, if not
5 signed by the governor, upon expiration of the time for bills to become law without signature
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
8 effective on the day following such approval.

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 2 Engrossed

2020 Second Extraordinary Session

James

Abstract: Provides relative to the duty and authority of the La. Bureau of Criminal Identification and Information to cooperate with and provide certain de-identified information to certain nonprofit entities providing technical assistance to the Clean Slate Task Force established by House Resolution No. 67 of the 2020 Regular Session of the Legislature.

Present law provides that the La. Bureau of Criminal Identification and Information (bureau) shall make available upon request, or at such other times as the deputy secretary shall designate, to any eligible criminal justice agency and certain other entities any information contained in the criminal history record and identification files of the bureau.

Proposed law retains present law and authorizes the bureau to provide limited access to de-identified arrest and conviction information contained within the bureau's criminal history record and identification files to nonprofit partners providing technical assistance to the Clean Slate Task Force established by House Resolution No. 67 of the 2020 Regular Session of the Legislature. Further requires the bureau to determine the scope of the limited access to the de-identified arrest and conviction information provided to the nonprofit partners.

Proposed law requires any nonprofit partner who obtains limited access to de-identified arrest and conviction information pursuant to proposed law to maintain the confidentiality of the de-identified arrest and conviction information in accordance with all applicable state and federal law and prohibits the dissemination of the de-identified arrest and conviction information to any other person or entity, including other members of the Clean Slate Task Force established by House Resolution No. 67 of the 2020 Regular Session of the Legislature or any nonprofit partner who did not directly obtain de-identified arrest and conviction information from the bureau. However, any nonprofit partner who obtains de-identified arrest and conviction information from the bureau pursuant to proposed law shall provide the bureau with a report of its analysis and recommendations regarding automated criminal history record-clearing as it relates to the bureau's criminal history record and identification files, which the bureau may provide to the members of the Clean Slate Task Force.

Proposed law requires any nonprofit partner who receives de-identified arrest and conviction information from the bureau pursuant to proposed law to execute a nondisclosure agreement with the bureau and to execute any nondisclosure agreement required by the bureau's vendors that maintain the disclosed information.

Proposed law further authorizes the bureau to cooperate with nonprofit partners that provide technical assistance to the Clean Slate Task Force established by House Resolution No. 67 of the 2020 Regular Session of the Legislature.

Proposed law shall cease to be effective on Aug. 1, 2022.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 15:584(C) and 587(J))

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 proposed law shall become effective upon signature of the governor.