

RÉSUMÉ DIGEST

ACT 553 (HB 586)

2022 Regular Session

Thomas

New law defines "applicant", "bureau", "commission", "criminal history record information", "FBI", and "licensure".

New law authorizes the La. Real Estate Commission (LREC) to obtain from the FBI an applicant's state and national criminal history record information.

New law limits LREC's use of fingerprints to only as necessary for determining licensure eligibility of each applicant and matters directly related to same.

New law requires an applicant to submit certain identifying information to the La. Bureau of Criminal Identification and Information for the release of all arrest and conviction information contained in the La. Bureau of Criminal Identification and Information's criminal history files pertaining to the applicant for licensure. Requires an applicant's fingerprints to be forwarded by the La. Bureau of Criminal Identification and Information to the FBI for a national criminal history check.

New law requires the costs for obtaining the information required by new law to be charged to the bureau, including the costs of providing the national criminal history check, and authorizes the bureau to impose any or all such costs on the applicant.

New law authorizes LEC to require an applicant to do any of the following to determine licensure eligibility:

- (1) Submit complete fingerprints that comply with FBI requirements.
- (2) Give LEC permission to obtain state and national criminal history record information.
- (3) Pay to the bureau the cost imposed by or on behalf of the bureau to process fingerprints for review of the applicant's criminal history record information.

Relative to its access, use, and maintenance of criminal history record information, new law requires LEC to prescribe a form to be completed by an applicant prior to submitting his fingerprints that does all of the following:

- (1) Acknowledges that the fingerprints shall be used to check the national criminal history records maintained by the FBI.
- (2) Allows the applicant to specifically identify or state the reason he has submitted fingerprints to the bureau or LREC.
- (3) Provides a statement of the procedure and contact information necessary to challenge the accuracy of information contained in the FBI identification record of the applicant.

New law does not apply to licensees who are in good standing with LREC on or before Dec. 31, 2022.

New law applies to any real estate salesperson licensed on or before Dec. 31, 2022, who subsequently applies on or after Jan. 1, 2023, for initial licensure as a real estate broker or for reinstatement of any suspended or revoked license issued by LREC.

Effective January 1, 2023.

(Adds R.S. 37:1435.1)