

2023 Regular Session

HOUSE BILL NO. 112

BY REPRESENTATIVE MUSCARELLO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PRIVATE SECURITY: Provides relative to the Louisiana State Board of Private Security Examiners

1 AN ACT

2 To amend and reenact R.S. 15:587(A)(1)(b) and R.S. 44:4.1(B)(23) and to enact R.S.
3 37:3276.2, relative to the authority of the Louisiana State Board of Private Security
4 Examiners; to provide for legislative intent; to provide for definitions; to provide for
5 limitations to the access and use of certain criminal history record information; to
6 provide for the standards and procedures for certain criminal history records; to
7 require the charging of fees and costs; to provide for a public records exception; to
8 provide for effectiveness; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 15:587(A)(1)(b) is hereby amended and reenacted to read as follows:

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

13 A.(1)

14 * * *

15 (b) The Louisiana State Board of Private Security Examiners shall be entitled
16 to the criminal history record and identification files of the bureau on those persons
17 seeking to be licensed ~~as private security guards~~ or registered by the board as a
18 means of performing background checks on those individuals. ~~A fee of twenty-six~~
19 ~~dollars shall be charged for furnishing said records.~~ In addition, in order to
20 determine an applicant's eligibility or suitability for licensure or registration under

1 registration eligibility of each applicant and conducting directly related matters in
2 accordance with the Administrative Procedure Act, R.S. 49:950 et seq., or other
3 applicable law.

4 (3) The board is entitled to the criminal history record and identification files
5 of the bureau of any person who is licensed or registered; or who is applying to be
6 licensed or registered as a private security business, qualifying agent, instructor, or
7 security officer. Fingerprints and other identifying information of the applicant shall
8 be submitted to the bureau, and the bureau shall, upon request of the board and after
9 receipt of such fingerprint card and other identifying information from the applicant,
10 make available to the board all arrest and conviction information contained in the
11 bureau's criminal history record and identification files which pertain to the applicant
12 for licensure or registration. In addition, the fingerprints shall be forwarded by the
13 bureau to the FBI for a national criminal history record check.

14 (4) In accordance with the authority provided for in this Chapter, the costs
15 of providing the information required in accordance with this Section shall be
16 charged by the bureau, as specified in R.S. 15:587, for furnishing information
17 contained in the bureau's criminal history record and identification files, including
18 any additional costs of providing the national criminal history record check, which
19 pertains to the applicant. Any or all cost or fees for the provision of the information
20 may be imposed on the applicant.

21 D. In addition to the other requirements of this Chapter, the board may
22 require an applicant to do any of the following to determine the licensure or
23 registration eligibility of an applicant:

24 (1) Submit a complete set of fingerprints in the form and manner required
25 by the bureau.

26 (2) Authorize the board to request and obtain state and national criminal
27 history record information relating to the applicant.

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 112 Reengrossed

2023 Regular Session

Muscarello

Abstract: Provides relative to the Louisiana State Board of Private Security Examiners authority to process fingerprints and receive state and federal criminal history checks on private security applicants.

Present law provides that the La. State board of Private Security Examiners (board) is entitled to the criminal history record and identification files of the La. Bureau of Criminal Identification and Information (bureau) on those persons seeking to be licensed as private security guards.

Proposed law authorizes the board to request and obtain state and national criminal history record information from the bureau and the FBI for any person who is licensed or registered or who is applying to be licensed or registered as a private security business, instructor, or officer.

Proposed law limits the use of fingerprints for the purpose of determining the licensure or registration eligibility of each applicant and for conducting directly related matters in accordance with applicable law.

Proposed law provides that the costs of providing fingerprints and other identifying information shall be charged by the bureau, as specified in present law, and that any or all cost or fees for the provision of the information to the board may be imposed on the applicant.

Proposed law provides that the board may require any of the following to determine the licensure or registration eligibility of an applicant:

- (1) Submission of a complete set of fingerprints.
- (2) Authorization for the board to request and obtain state and national criminal history records.
- (3) Payment of the administrative costs relating to the processing of applicant fingerprints.

Proposed law provides that the board shall utilize a form provided by the bureau to be completed by each applicant prior to any fingerprint submission.

Proposed law provides that the criminal history record information shall be confidential and used exclusively by the board to evaluate the applicant's eligibility or disqualification. Proposed law further provides that the board shall not release criminal history record information to any person or agency without written consent of the applicant, unless the release is court ordered.

Proposed law adds proposed law to the enumerated list of public records exceptions in present law (R.S. 44:4.1(B)(23)).

Effective Oct. 1, 2023.

(Amends R.S. 15:587 and R.S. 44:4.1(B)(23); Adds R.S. 37:3276.2)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Add a confidentiality clause to require criminal history record information be confidential and used exclusively to evaluate the applicant's eligibility.
2. Add a public records exception.
3. Make technical changes.

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the engrossed bill:

1. Include changes in the present law provisions relative to the board's ability to obtain criminal history record information from the bureau for private security guards the broader ability to request both state and national criminal histories for persons seeking to be licensed or registered by the board.
2. Remove biometric information from the list of identifying information the board may request from an applicant.
3. Remove provision that the bureau will charge the board for furnishing the information.
4. Provide the board shall utilize the form provided by the bureau rather than prescribing its own form with specified requirements.
5. Make the requirements regarding the maintenance of the confidentiality of the information and the restriction on disclosure applicable to the board, its members, its employees, or agent authorized to act on behalf of the board.
6. Make technical changes.