

Regular Session, 2013

SENATE BILL NO. 150

BY SENATOR ADLEY

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

HEALTH SERVICES. Provides for authorized agents for purposes of criminal history checks on nonlicensed persons and licensed ambulance personnel. (8/1/13)

1 AN ACT
2 To enact R.S. 40:1300.57, relative to criminal history checks on nonlicensed persons and
3 licensed ambulance personnel; to provide with respect to an authorized agency; to
4 provide for the application and requirements for approval as an authorized agency;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1300.57 is hereby enacted to read as follows:

8 **§1300.57. Application to be approved as an authorized agency**

9 **A. An individual seeking approval as an authorized agency shall submit**
10 **an application to the Louisiana Bureau of Criminal Identification and**
11 **Information along with the following documents to prove the individual's**
12 **qualifications.**

13 **(1) The applicant must be currently licensed in the state of Louisiana as**
14 **a private investigator or detective by the Louisiana State Board of Private**
15 **Investigator Examiners as evidenced by current and valid licensure issued by**
16 **the Louisiana State Board of Private Investigator Examiners, or an individual**
17 **employed by a business entity registered and in good standing with the**

1 secretary of state at the time of application whose primary source of business
2 is background screenings.

3 (2) The applicant must not currently be charged by bill of information
4 or under indictment for, or have been convicted of, any felony offense in this
5 state or any other jurisdiction, and submit to a background investigation to
6 determine that this requirement is met.

7 (3) The applicant shall present proof of qualification to do business
8 within the state of Louisiana as evidenced by a valid certificate of authority
9 issued by the secretary of state, and designation of an agent for service of
10 process as required by law. If the applicant is operating as a sole
11 proprietorship, a current and valid occupational license shall be presented.

12 (4) The applicant shall execute a written agreement whereby he agrees
13 to maintain the confidentiality of any and all information provided to it by the
14 Louisiana Bureau of Criminal Identification and Information pursuant to R.S.
15 40:1300.51 et seq., abide by all applicable laws, rules and regulations pertaining
16 to receipt and use of criminal history information, cooperate in any auditing
17 procedure conducted by the Louisiana Bureau of Criminal Identification and
18 Information, and inform the Louisiana Bureau of Criminal Identification and
19 Information in writing of any known violations regarding the use of criminal
20 history information he receives.

21 B. Upon receipt of a completed application for approval as an
22 authorized agency, the Louisiana Bureau of Criminal Identification and
23 Information shall review the application and conduct whatever investigation it
24 deems necessary to verify the information. Upon completion of this review, the
25 Louisiana Bureau of Criminal Identification and Information shall inform the
26 applicant in writing of its approval or denial of the application.

27 C. Each authorized agency shall maintain the eligibility requirements
28 to be approved as an authorized agency. Each authorized agency shall notify
29 the Louisiana Bureau of Criminal Identification and Information in writing of

- 1 **a change in its qualification requirements within fifteen days of the change.**
- 2 **Failure to continue to maintain the eligibility requirements shall result in**
- 3 **cancellation of approval as an authorized agency.**
-

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christopher D. Adams.

DIGEST

Present law requires an individual seeking approval as an authorized agency shall be currently licensed in the state of Louisiana as a private investigator or detective by the Louisiana State Board of Private Investigator Examiners.

Proposed law provides an individual seeking approval as an authorized agency shall submit an application to the Louisiana Bureau of Criminal Identification and Information (Bureau) along with the following documents to prove the individual's qualifications:

- (1) The applicant must be currently licensed in Louisiana as a private investigator or detective by the Louisiana State Board of Private Investigator Examiners as evidenced by current and valid licensure issued by the Louisiana State Board of Private Investigator Examiners, or an individual employed by a business entity registered and in good standing with the secretary of state at the time of application whose primary source of business is background screenings.
- (2) The applicant must not currently be charged by bill of information or under indictment for, or have been convicted of, any felony offense in this state or any other jurisdiction, and submit to a background investigation to determine that this requirement is met.
- (3) The applicant shall present proof of qualification to do business within Louisiana as evidenced by a valid certificate of authority issued by the secretary of state, and designation of an agent for service of process as required by law. If the applicant is operating as a sole proprietorship, a current and valid occupational license shall be presented.
- (4) The applicant shall execute a written agreement whereby he agrees to maintain the confidentiality of any and all information provided to it by the Bureau pursuant to present law, abide by all applicable laws, rules and regulations pertaining to receipt and use of criminal history information, cooperate in any auditing procedure conducted by the Bureau, and inform the Bureau in writing of any known violations regarding the use of criminal history information he receives.

Proposed law provides for the application to be approved as an authorized agency.

Effective August 1, 2013.

(Adds R.S. 40:1300.57)