

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)

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§1300.57. Application to be approved as an authorized agency

A. An individual or business entity seeking approval as an authorized agency shall submit an application to the Louisiana Bureau of Criminal Identification and Information along with the following documents to prove the individual's or business entity's qualifications:

(1) The applicant must be currently licensed in the state of 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 domiciled in the state of Louisiana and registered

1 and in good standing with the secretary of state at the time of application whose
2 primary source of business 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 shall submit to a background investigation
6 to determine that this requirement is met.

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

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

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

29 C. Each authorized agency shall maintain the eligibility requirements

- 1 **to be approved as an authorized agency. Each authorized agency shall notify**
 2 **the Louisiana Bureau of Criminal Identification and Information in writing of**
 3 **a change in its qualification requirements within fifteen days of the change.**
 4 **Failure to continue to maintain the eligibility requirements shall result in**
 5 **cancellation of approval as an authorized agency.**
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The original instrument was prepared by Christopher D. Adams. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

DIGEST

Adley (SB 150)

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 or business entity 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 or business entity'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 domiciled in the state of Louisiana and 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 shall submit to a background investigation to determine that this requirement is met.
- (3) The applicant shall be domiciled in the state of Louisiana and 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)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Changes from "criminal history checks" to "fingerprint based criminal background checks".
2. Adds business entity to those who may seek approval as authorized agency.
3. Requires the business entity must be domiciled in Louisiana.

Senate Floor Amendments to engrossed bill

1. Removes all references changing "criminal history checks" to "fingerprint based criminal background checks".