

2016 Regular Session

HOUSE BILL NO. 830

BY REPRESENTATIVE SEABAUGH

CHILDREN/CARE: Provides relative to criminal background checks for owners, employees, volunteers, and inspectors of early learning centers

1 AN ACT

2 To amend and reenact R.S. 15:587.1(B)(1) and (C)(introductory paragraph) and R.S.

3 17:407.42(B)(1)(a), relative to the Department of Education; to authorize the state

4 department to request criminal history information on certain personnel of early

5 learning centers; to provide requirements relative to the state Bureau of Criminal

6 Identification and Information upon the receipt of such requests; and to provide for

7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:587.1(B)(1) and (C)(introductory paragraph) are hereby amended
10 and reenacted to read as follows:

11 §587.1. Provision of information to protect children

12 * * *

13 B.(1) Upon receiving a request pursuant to the provisions of R.S. 17:15,

14 407.42, and 407.71, and R.S. 46:51.2 when authorized by R.S. 15:587, that meets the

15 requirements of Subsection A of this Section, the bureau of criminal identification

16 and information shall survey its criminal history records and identification files and

17 make a simultaneous request of the Federal Bureau of Investigation for like

18 information from other jurisdictions. The bureau of criminal identification and

19 information shall provide a report promptly and in writing, but provide only such

20 information as is necessary to specify whether or not that person has been arrested

1 for or convicted of or pled nolo contendere to any crime or crimes, the crime or
2 crimes of which he has been arrested for or convicted or to which he has pled nolo
3 contendere, and the date or dates on which they occurred. The report provided
4 pursuant to the provisions of this Subsection shall include arrests, convictions, or
5 other dispositions, including convictions dismissed pursuant to Code of Criminal
6 Procedure Articles 893 and 894.

7 * * *

8 C. The provisions of R.S. 15:825.3, R.S. 17:15, 407.42, and 407.71, R.S.
9 46:51.2 and 1441.13, and Children's Code Article 424.1 shall govern the
10 employment of persons who have been convicted of, or pled guilty or nolo
11 contendere to, any of the following crimes:

12 * * *

13 Section 2. R.S. 17:407.42(B)(1)(a) is hereby amended and reenacted to read as
14 follows:

15 §407.42. Criminal History Review

16 * * *

17 B.(1) The State Board of Elementary and Secondary Education shall
18 establish by regulation, requirements and procedures consistent with the provisions
19 of R.S. 15:587.1 under which:

20 (a) ~~The owner or operator of an early learning center~~ department may request
21 information concerning whether or not any owner or volunteer, applicant, or
22 employee of any kind including contractors, of an early learning center has been
23 arrested for or convicted of or pled nolo contendere to any criminal offense.

24 * * *

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 830 Original

2016 Regular Session

Seabaugh

Abstract: Provides relative to the provision of criminal history information for certain personnel of early learning centers to the Dept. of Education.

Present law (R.S. 17:407.42) prohibits any person who has been convicted of or has pled nolo contendere to certain crimes including sex crimes and crimes against children from directly or indirectly owning, operating, or participating in the governance of an early learning center, or being hired by an early learning center as a volunteer or employee of any kind, or being hired by the Dept. of Education (DOE) in a position whose duties include the performance of licensing inspections in early learning centers.

Present law further requires BESE to establish by regulation, requirements, and procedures consistent with the provisions of present law under which the owner or operator of an early learning center may request information concerning whether or not any owner or volunteer, applicant, or employee of any kind, including contractors, of an early learning center has been arrested for or convicted of or pled nolo contendere to any criminal offense.

Proposed law changes requirement by authorizing DOE, rather than the owner or operator of an early learning center, to request criminal history information of certain personnel; otherwise retains present law.

(Amends R.S. 15:587.1(B)(1) and (C)(intro. para.) and R.S. 17:407.42(B)(1)(a))