
DIGEST

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HB 602 Engrossed

2020 Regular Session

Bryant

Abstract: Adds the La. Dept. of Education as an entity to receive criminal history record and identification files and adds a definition for the term "FBI rap back system".

Present law creates, within the Dept. of Public Safety and Corrections, the La. Bureau of Criminal Identification and Information which has the responsibility for establishing and maintaining a central repository of criminal history records.

Present law (R.S. 15:576) provides for definitions of the following terms: "bureau", "criminal history record" or "criminal history record information", "criminal justice agency", "criminal justice information system", and "criminal justice system".

Proposed law adds a definition for the term "FBI rap back system" which means a service maintained by the FBI to provide authorized noncriminal and criminal justice agencies ongoing status notifications of any criminal history subsequently reported to the FBI in its criminal history system after the initial criminal or civil transaction.

Present law (R.S. 15:587) requires the bureau to provide such information, upon request and as the deputy secretary of the Dept. of Public Safety and Corrections designates, to any eligible criminal justice agency, and the La. Dept. of Health, the state fire marshal, the Dept. of Children and Family Services, the Dept. of Insurance, the La. State Racing Commission, the Senate and Governmental Affairs Committee, the House and Governmental Affairs Committee, the executive director of the La. Workforce Commission or his designee, the Board of River Port Pilot Commissioners, the Office of Financial Institutions in the office of the governor, the office of disciplinary counsel of the La. Attorney Disciplinary Board, the La. Supreme Court Committee on Bar Admissions, the municipal or parish department or personnel responsible for reviewing applications for alcoholic beverage outlet permits, and the legislative auditor.

Proposed law adds the La. Dept. of Education as an entity eligible to receive such information.

Proposed law provides that the La. Dept. of Education shall be entitled to the criminal history record and identification files of the bureau of any person who has submitted a fingerprint request pursuant to present law (R.S. 15:587.1, R.S. 17:15, 407.42, and 407.71). The bureau is authorized to submit fingerprints to the FBI to be retained in the FBI rap back system for the purpose of being searched by future submissions to the FBI rap back system, including latent fingerprint searches. Requires the bureau to make available to the La. Dept. of Education rap backs for requests made pursuant to present law (R.S. 17:15, 407.42, and 407.21).

Present law (R.S. 15:587.1) provides that any employer or others responsible for the actions of one or more persons who have been given or have applied to be considered for a position of supervisory or disciplinary authority over children, the Dept. of Children and Family Services as employer of one or more persons who have been given or have applied to be considered for a position whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys, and for individuals who are employed by or contracted staff of a child care institution, shall request in writing that the bureau supply information to ascertain whether that person has been arrested for or convicted of, or pled nolo contendere to, any criminal offense.

Proposed law provides that for requests made pursuant to present law (R.S. 17:15, 407.42, and 407.71) the bureau is authorized to submit fingerprints to the FBI to be retained in the FBI rap back system for the purpose of being searched by future submissions to the FBI rap back system, including latent fingerprint searches. Requires the bureau to make available to the La. Dept. of Education rap backs for requests made pursuant to present law (R.S. 17:15, 407.42, and 407.71). Requires any recipient of such information to maintain the confidentiality of such criminal history information in accordance with applicable state or federal law.

With regard to those persons submitting a fingerprint request pursuant to present law (R.S. 17:15) proposed law shall become effective upon the promulgation of rules by the La. State Board of Elementary and Secondary Education providing for a development of a system designed to receive criminal history record and identification files pursuant to the FBI rap back system.

(Amends R.S. 15:587(A)(1)(a) and 587.1(B)(1); Adds R.S. 15:576(6), 587(A)(1)(j) and (I))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Provide that certain proposed law provisions shall become effective upon the promulgation of rules by the La. State Board of Elementary and Secondary Education providing for a development of a system designed to receive criminal history record and identification files pursuant to the FBI rap back system.
2. Provide that all other proposed law provisions shall become effective upon signature of the governor.