

Regular Session, 2010
HOUSE BILL NO. 106
BY REPRESENTATIVE LOPINTO

ACT No. 508

1 AN ACT

2 To enact R.S. 15:587.1.1, relative to criminal history information; to provide with respect
3 to criminal history information of persons with supervisory or disciplinary authority
4 over children; to authorize prospective employees and independent contractors; to
5 receive a certified copy of their criminal history information; to provide for
6 portability of such information; to provide for definitions; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:587.1.1 is hereby enacted to read as follows:

10 §587.1.1. Portability of criminal history information for licensed child care facilities

11 A. When a prospective employer requests criminal history information
12 pertaining to an individual applying for a position of supervisory or disciplinary
13 authority over children in a child care facility in accordance with the provisions of
14 R.S.15:587.1, or to an independent contractor who performs work in a child care
15 facility, the individual applicant shall receive a certified copy of his criminal history
16 information upon written request to the Louisiana Bureau of Criminal Identification
17 and Information. A certified copy of the criminal background check shall be deemed
18 to satisfy the requirements of R.S. 15:587.1 for each facility requesting criminal
19 history information for a period of one year from the date of issuance of the certified
20 copy. To defer the costs of providing the certified copy, the bureau may collect a fee
21 in accordance with the provisions of R.S. 15:588.

22 B. For purposes of this Section, "independent contractor" means any person
23 who renders professional, therapeutic, or enrichment services such as educational
24 consulting, athletic, or artistic services within a child care facility, whose services are

1 not integral to either the operation of the child care facility or to the care and
2 supervision of children. Independent contractors may include but are not limited to
3 dance instructors, gymnastic or sports instructors, computer instructors, speech
4 therapists, licensed health care professionals, state-certified teachers employed
5 through a local school board, art instructors, and other outside contractors. A person
6 shall not be deemed an independent contractor if he is considered an employee or
7 statutory employee of the child care facility pursuant to Chapter 10 of Title 23 of the
8 Louisiana Revised Statutes of 1950.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____