

Regular Session, 2010

HOUSE BILL NO. 407

BY REPRESENTATIVE PUGH

PUBLIC CONTRACT/BIDS: Prohibits persons convicted of felonies from participating in the procurement and public bid process

1 AN ACT

2 To enact R.S. 38:2212.8 and R.S. 39:1496.3 and 1594.4, relative to procurement; to prohibit
3 certain convicted felons from participating in the procurement and public bid
4 process; to require criminal background checks of prospective bidders; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 38:2212.8 is hereby enacted to read as follows:

8 §2212.8. Prohibition of bids and procurement by certain convicted felons

9 A.(1) Each applicant which submits a public bid or otherwise competes for
10 award or procurement shall undergo a criminal background check. At the time of
11 submitting the public bid or otherwise competing for award or procurement, the
12 applicant shall provide written consent on a form approved by the Louisiana Bureau
13 of Criminal Identification and Information authorizing the bureau to release any
14 information contained in the applicant's criminal history record and identification
15 files to the public entity accepting the bid or contract for verification that the
16 applicant has not been convicted of a felony.

17 (2) Applicants shall submit a full set of fingerprints in order for the
18 Department of Public Safety and Correctionsto conduct a state and federal criminal
19 history record check, which shall include a check of National Criminal History

1 Records from the Federal Bureau of Investigations Criminal Justice Information
2 Services Division.

3 (3) The applicant shall be responsible for the payment of fees of the bureau
4 associated with the state and federal criminal history check in the amount required
5 by R.S. 15:587.

6 (4) The Louisiana Bureau of Criminal Identification and Information shall
7 maintain a record of each criminal background check for no less than twelve months
8 and shall provide the results of the criminal background check to any public entity
9 accepting a bid or contract from the applicant within the twelve-month period.

10 B. If the applicant is a sole proprietor, partnership, corporation, or limited
11 liability company, each individual partner, incorporator, director, officer, manager,
12 or member shall be required to comply with the criminal history verification.

13 C. A public entity shall reject any applicant in which any individual partner,
14 incorporator, director, officer, manager, member, or individual who owns directly
15 or indirectly a beneficial interest in the business has been convicted of a felony or
16 entered a plea of guilty or nolo contendere to a felony charge and the time from the
17 completion date of the sentence, probation, parole, or suspension of sentence
18 imposed for the violation of the felony crime to the date of the submission by the
19 applicant of a public bid, award, or procurement is less than ten years.

20 Section 2. R.S. 39:1496.3 and 1594.4 are hereby enacted to read as follows:

21 §1496.3. Prohibition of bids and procurement by certain convicted felons

22 A.(1) Each applicant which submits a public bid or otherwise competes for
23 award or procurement shall undergo a criminal background check. At the time of
24 submitting the public bid or otherwise competing for award or procurement, the
25 applicant shall provide written consent on a form approved by the Louisiana Bureau
26 of Criminal Identification and Information authorizing the bureau to release any
27 information contained in the applicant's criminal history record and identification
28 files to the public entity accepting the bid or contract for verification that the
29 applicant has not been convicted of a felony.

1 (2) Applicants shall submit a full set of fingerprints in order for the
 2 Department of Public Safety and Corrections to conduct a state and federal criminal
 3 history record check, which shall include a check of National Criminal History
 4 Records from the Federal Bureau of Investigation Criminal Justice Information
 5 Services Division.

6 (3) The applicant shall be responsible for the payment of fees of the bureau
 7 associated with the state and federal criminal history check in the amount required
 8 by R.S. 15:587.

9 (4) The Louisiana Bureau of Criminal Identification and Information shall
 10 maintain a record of each criminal background check for no less than twelve months
 11 and shall provide the results of the criminal background check to any public entity
 12 accepting a bid or contract from the applicant within the twelve-month period.

13 B. If the applicant is a sole proprietor, partnership, corporation, or limited
 14 liability company, each individual partner, incorporator, director, officer, manager,
 15 or member shall be required to comply with the criminal history verification.

16 C. A public entity shall reject any applicant in which any individual partner,
 17 incorporator, director, officer, manager, member, or individual who owns directly
 18 or indirectly a beneficial interest in the business has been convicted of a felony or
 19 entered a plea of guilty or nolo contendere to a felony charge and the time from the
 20 completion date of the sentence, probation, parole, or suspension of sentence
 21 imposed for the violation of the felony crime to the date of the submission by the
 22 applicant of a public bid, award, or procurement is less than ten years.

23 * * *

24 §1594.4. Prohibition of bids and procurement by certain convicted felons

25 A.(1) Each applicant which submits a public bid or otherwise competes for
 26 award or procurement shall undergo a criminal background check. At the time of
 27 submitting the public bid or otherwise competing for award or procurement, the
 28 applicant shall provide written consent on a form approved by the Louisiana Bureau
 29 of Criminal Identification and Information authorizing the bureau to release any

1 information contained in the applicant's criminal history record and identification
2 files to the public entity accepting the bid or contract for verification that the
3 applicant has not been convicted of a felony.

4 (2) Applicants shall submit a full set of fingerprints in order for the
5 Department of Public Safety and Corrections to conduct a state and federal criminal
6 history record check, which shall include a check of National Criminal History
7 Records from the Federal Bureau of Investigation Criminal Justice Information
8 Services Division.

9 (3) The applicant shall be responsible for the payment of fees of the bureau
10 associated with the state and federal criminal history check in the amount required
11 by R.S. 15:587.

12 (4) The Louisiana Bureau of Criminal Identification and Information shall
13 maintain a record of each criminal background check for no less than twelve months
14 and shall provide the results of the criminal background check to any public entity
15 accepting a bid or contract from the applicant within the twelve-month period.

16 B. If the applicant is a sole proprietor, partnership, corporation, or limited
17 liability company, each individual partner, incorporator, director, officer, manager,
18 or member shall be required to comply with the criminal history verification.

19 C. A public entity shall reject any applicant in which any individual partner,
20 incorporator, director, officer, manager, member, or individual who owns directly
21 or indirectly a beneficial interest in the business has been convicted of a felony or
22 entered a plea of guilty or nolo contendere to a felony charge and the time from the
23 completion date of the sentence, probation, parole, or suspension of sentence
24 imposed for the violation of the felony crime to the date of the submission by the
25 applicant of a public bid, award, or procurement is less than ten years.

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)]

Pugh

HB No. 407

Abstract: Prohibits convicted felons from participating in the procurement and public bid process within 10 years of completion of the sentence, probation, parole, or suspension of sentence.

Proposed law gives authority for the state to conduct a criminal background check on those submitting a bid or contract for procurement to a public entity. If the applicant is a sole proprietor, partnership, corporation, or limited liability company, each partner, incorporator, director, officer, manager, or member must undergo criminal history verification.

Proposed law provides for the submission of a full set of fingerprints in order for the Dept. of Public Safety and Corrections to conduct a state and federal criminal history record check and provides that the applicant is responsible for the payment of fees associated with the criminal history check.

Proposed law prohibits a public entity from accepting a bid or contract if the applicant has been convicted of a felony or entered a plea of guilty or nolo contendere to a felony charge, and the time from the completion date of the sentence, probation, parole, or suspension of sentence imposed for the violation of the felony crime, to the date of the submission by the applicant of a public bid, award, or procurement, is less than 10 years.

(Adds R.S. 38:2212.8 and R.S. 39:1496.3 and 1594.4)