

Regular Session, 2010

SENATE BILL NO. 406

BY SENATOR MCPHERSON

CRIMINAL RECORDS. Amends provisions regarding criminal background checks.  
(8/15/10)

1 AN ACT

2 To amend and reenact R.S. 15:587.1(B) and R.S. 44:9(F), (G) and (I), and to enact R.S.  
3 15:587(A)(1)(f), relative to criminal records; to provide for criminal background  
4 checks; to provide for certain entities' access to expunged records; and to provide for  
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:587.1(B) is hereby amended and reenacted and R.S.  
8 15:587(A)(1)(f) is hereby enacted to read as follows:

9 §587. Duty to provide information; processing fees; Louisiana Bureau of Criminal

10 Identification and Information

11 A.(1) \* \* \*

12 **(f) If the request for information and records is made to the bureau by**  
13 **eligible criminal justice agencies, the office of the attorney general, or the**  
14 **various district attorneys' offices of the state of Louisiana, the bureau shall**  
15 **include in its report any information concerning arrests and convictions of an**  
16 **individual, including convictions in which a judgment of dismissal of the**  
17 **prosecution was granted under the provisions of Article 893 and 894 of the**



1 disposition. ~~The information contained in this record may be released, upon~~ **Upon**  
 2 specific request therefor and on a confidential basis, the information contained in  
 3 this record may be released to the following entities who shall maintain the  
 4 confidentiality of such record: ~~to~~ any law enforcement agency, criminal justice  
 5 agency, the office of the attorney general, the various district attorneys' offices  
 6 of the state of Louisiana, the Louisiana State Board of Medical Examiners, the  
 7 Louisiana State Board of Nursing, the Louisiana State Board of Dentistry, the  
 8 Louisiana State Board of Examiners of Psychologists, the Emergency Medical  
 9 Services Certification Commission, Louisiana Attorney Disciplinary Board, Office  
 10 of Disciplinary Counsel, or the Louisiana Supreme Court Committee on Bar  
 11 Admissions, or any person requesting a record of all criminal arrests and  
 12 convictions pursuant to R.S. 15:587.1. ~~The receiving law enforcement agency,~~  
 13 ~~criminal justice agency, the Louisiana State Board of Medical Examiners, the~~  
 14 ~~Louisiana State Board of Nursing, the Louisiana State Board of Dentistry, the~~  
 15 ~~Louisiana State Board of Examiners of Psychologists, the Emergency Medical~~  
 16 ~~Services Certification Commission, the Louisiana Attorney Disciplinary Board,~~  
 17 ~~Office of Disciplinary Counsel, or the Louisiana Supreme Court Committee on Bar~~  
 18 ~~Admissions shall maintain the confidentiality of such record.~~

19 G. "Expungement" means removal of a record from public access but does  
 20 not mean destruction of the record. An expunged record is confidential, but remains  
 21 available for use by law enforcement agencies, criminal justice agencies, the office  
 22 of the attorney general, the various district attorneys' offices of the state of  
 23 Louisiana, the Louisiana State Board of Medical Examiners, the Louisiana State  
 24 Board of Nursing, the Louisiana State Board of Dentistry, the Louisiana State Board  
 25 of Examiners of Psychologists, the Emergency Medical Services Certification  
 26 Commission, the Louisiana Attorney Disciplinary Board, Office of Disciplinary  
 27 Counsel, or the Louisiana Supreme Court Committee on Bar Admissions, or any  
 28 person requesting a record of all criminal arrests and convictions pursuant to  
 29 R.S. 15:587.1.

