Regular Session, 2010

ACT No. 781

SENATE BILL NO. 406

BY SENATOR MCPHERSON

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 amend provisions regarding criminal
4	background checks; to provide entities with access to criminal history information;
5	to provide for the type of information available to those entities; to provide for
6	confidentiality; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 15:587.1(B) is hereby amended and reenacted and R.S.
9	15:587(A)(1)(f) is hereby enacted to read as follows:
10	§587. Duty to provide information; processing fees; Louisiana Bureau of Criminal
11	Identification and Information
12	A.(1) * * * *
13	(f)(i) If the request for information and records is made to the bureau
14	by any eligible criminal justice agency, the bureau shall include in its report any
15	information concerning arrests and convictions of an individual, including
16	convictions in which a judgment of dismissal of the prosecution was granted
17	pursuant to the provisions of Articles 893 and 894 of the Code of Criminal
18	Procedure.
19	(ii)(aa) When an individual's record contains information which has
20	been expunged, the bureau shall include in its report to the requesting entity the
21	date of the arrest and a notation that the individual's record contains
22	information which has been expunged and that the requesting entity may
23	contact the bureau in order to obtain further information regarding the
24	expunged information.
25	(bb) The bureau shall establish policies and procedures by which the
26	entities enumerated in this Subparagraph may be furnished with expunged
27	information. These policies and procedures shall not require the requesting
28	<u>entity to personally appear at the office of the bureau in order to obtain access</u>

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1	to the expunged information.
2	(cc) The requesting entity, upon receiving the expunged information,
3	shall maintain the confidentiality of the information as provided by law and the
4	expunged information shall not be deemed a public record.
5	(dd) The information may be used or admitted as evidence in any court
6	proceeding or employment or disciplinary hearing in which the receiving
7	agency is an authorized participant.
8	* * *
9	§587.1. Provision of information to protect children
10	* * *
11	B.(1). Upon receiving a request pursuant to the provisions of R.S. 17:15, and
12	R.S. 46:51.2 when authorized by R.S. 15:587, that meets the requirements of
13	Subsection A of this Section, the bureau of criminal identification and information
14	shall survey its criminal history records and identification files and make a
15	simultaneous request of the Federal Bureau of Investigation for like information
16	from other jurisdictions. The bureau of criminal identification and information shall
17	provide a report promptly and in writing, but provide only such information as is
18	necessary to specify whether or not that person has been arrested for or convicted of
19	or pled nolo contendere to any crime or crimes, the crime or crimes of which he has
20	been arrested for or convicted or to which he has pled nolo contendere, and the date
21	or dates on which they occurred.
22	The report provided pursuant to the provisions of this Subsection shall
23	include arrests, convictions, or other dispositions, including convictions
24	dismissed pursuant to Code of Criminal Procedure Articles 893 and 894.
25	(2)(a) When an individual's record contains information which has been
26	expunged, the bureau shall include in its report to the requesting person or
27	entity the date of the arrest and a notation that the individual's record contains
28	information which has been expunged and that the requestor may contact the
29	bureau in order to obtain further information regarding the expunged
30	information.

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1	(b) The bureau shall establish policies and procedures by which the
2	persons and entities enumerated in this Section may be furnished with expunged
3	information. These policies and procedures shall not require the requesting
4	person or entity to personally appear at the office of the bureau in order to
5	obtain access to the expunged information.
6	(c) The requesting person or entity, upon receiving the expunged
7	information, shall maintain the confidentiality of the information as provided
8	by law and the expunged information shall not be deemed a public record.
9	(d) The information may be used or admitted as evidence in any court
10	proceeding or employment or disciplinary hearing in which the receiving person
11	or entity is an authorized participant.
12	* * *
13	Section 2. R.S. 44:9(F), (G) and (I) are hereby amended and reenacted to read as
14	follows:
15	§9. Records of violations of municipal ordinances and of state statutes classified as
16	a misdemeanor or felony
17	* * *
18	F. For investigative purposes only, the Department of Public Safety and
19	Corrections may maintain a confidential, nonpublic record of the arrest and
20	disposition. The information contained in this record may be released, upon Upon
21	specific request therefor and on a confidential basis, the information contained in
22	this record may be released to the following entities who shall maintain the
23	confidentiality of such record: to any law enforcement agency, criminal justice
24	agency, the Louisiana State Board of Medical Examiners, the Louisiana State Board
25	of Nursing, the Louisiana State Board of Dentistry, the Louisiana State Board of
26	Examiners of Psychologists, the Louisiana State Board of Social Work
27	Examiners, the Emergency Medical Services Certification Commission, Louisiana
28	Attorney Disciplinary Board, Office of Disciplinary Counsel, or the Louisiana
29	Supreme Court Committee on Bar Admissions, or any person or entity requesting
30	a record of all criminal arrests and convictions pursuant to R.S. 15:587.1. The

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1	receiving law enforcement agency, criminal justice agency, the Louisiana State
2	Board of Medical Examiners, the Louisiana State Board of Nursing, the Louisiana
3	State Board of Dentistry, the Louisiana State Board of Examiners of Psychologists,
4	the Emergency Medical Services Certification Commission, the Louisiana Attorney
5	Disciplinary Board, Office of Disciplinary Counsel, or the Louisiana Supreme Court
6	Committee on Bar Admissions shall maintain the confidentiality of such record.
7	G. "Expungement" means removal of a record from public access but does
8	not mean destruction of the record. An expunged record is confidential, but remains
9	available for use by law enforcement agencies, criminal justice agencies, the
10	Louisiana State Board of Medical Examiners, the Louisiana State Board of Nursing,
11	the Louisiana State Board of Dentistry, the Louisiana State Board of Examiners of
12	Psychologists, the Louisiana State Board of Social Work Examiners, the
13	Emergency Medical Services Certification Commission, the Louisiana Attorney
14	Disciplinary Board, Office of Disciplinary Counsel, or the Louisiana Supreme Court
15	Committee on Bar Admissions, or any person or entity requesting a record of all
16	criminal arrests and convictions pursuant to R.S. 15:587.1.
17	
	* * *
18	* * * I. Except to those agencies entities listed in Subsection G of this Section, no
18 19	
	I. Except to those agencies entities listed in Subsection G of this Section, no
19	I. Except to those agencies entities listed in Subsection G of this Section, no person whose record of arrest and conviction has been expunged pursuant to the

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____