

Regular Session, 2010

SENATE BILL NO. 452

BY SENATOR CHEEK

COMMERCIAL REGULATIONS. Permits authorized agencies to perform criminal background checks of job applicants on behalf of employers. (8/15/10)

1 AN ACT

2 To amend and reenact R.S. 15:587(F), relative to the Louisiana Bureau of Criminal  
3 Identification and Information; to provide for release of information of job applicants  
4 to authorized agencies on behalf of employers; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 15:587(F) is hereby amended and reenacted to read as follows:

7 §587. Duty to provide information; processing fees; Louisiana Bureau of Criminal  
8 Identification and Information

9 \* \* \*

10 F. (1) An employer ~~or~~, his representative, or an authorized agency on  
11 behalf of the employer shall be entitled to obtain conviction records of an applicant  
12 seeking employment, directly from the Bureau of Criminal Identification and  
13 Information in order to further qualify the applicant for the position being sought, if  
14 the applicant has signed a consent form authorizing the employer to obtain such  
15 conviction records. Upon written or electronic request and upon presentation of a  
16 consent form prepared by the bureau and executed by the applicant, the bureau shall  
17 provide or make available to the authorized agency to provide any conviction

1 records of the applicant to the employer or his representative in a timely manner.

2 (2) For the purposes of this Subsection "conviction records" shall include  
3 only those records which are electronically maintained by the bureau, and are records  
4 of a finding of guilty, a plea of guilty or nolo contendere, including those which have  
5 been set aside or dismissed pursuant to Code of Criminal Procedure Article 893 or  
6 894, or for which an individual has received an automatic first offender pardon. It  
7 shall not include those records which have been ordered expunged pursuant to R.S.  
8 44:9. The provisions of Subsection B of this Section shall apply to any request made  
9 pursuant to this Subsection. The bureau shall not be liable civilly or criminally for  
10 the release of information released pursuant to the provisions of this Subsection.

11 (3) For the purposes of this Subsection "authorized agency" means a  
12 private entity hired by the employer and authorized by the office of the state  
13 police to conduct criminal history checks as provided for by this Subsection.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Alan Miller.

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#### DIGEST

Present law provides that an employer or his representative is entitled to obtain conviction records of an applicant seeking employment, directly from the Bureau of Criminal Identification and Information in order to further qualify the applicant for the position being sought, if the applicant has signed a consent form authorizing the employer to obtain such conviction records.

Proposed law retains present law, but specifies that an "authorized agency" on behalf of the employer is also entitled to obtain such records. "Authorized agency" means a private entity hired by the employer and authorized by the office of the state police to conduct criminal history checks.

Present law requires the bureau to provide any conviction records of the applicant to the employer or his representative in a timely manner upon written request and upon presentation of a consent form prepared by the bureau and executed by the applicant.

Proposed law expands present law by allowing for electronic requests to the bureau.

Proposed law requires the bureau to make available to the authorized agency any conviction records of the applicant in a timely manner.

Effective August 15, 2010.

(Amends R.S. 15:587(F))