SENATE BILL NO. 95

BY SENATOR MORRELL

PROBATION/PAROLE. Authorizes the division of probation and parole to access certain information maintained by pawnbrokers. (8/1/12)

1   AN ACT

2   To amend and reenact R.S. 37:1782(5)(a), 1797(B), and 1798(A)(1)(a) and to enact R.S.

3   37:1798(A)(3), relative to information furnished to police or sheriff; requires a

4   pawnbroker to provide certain information obtained to the Department of Public

5   Safety and Corrections, division of probation and parole; to provide relative to the

6   means for providing transactional information; to provide with respect to time delays

7   for delivery of certain information; and to provide for related matters.

8   Be it enacted by the Legislature of Louisiana:

9   Section 1. R.S. 37:1782(5)(a), 1797(B), and 1798(A)(1)(a) are hereby amended and

10   reenacted and R.S. 37:1798(A)(3) is hereby enacted to read as follows:

11   §1782. Definitions

12   As used in this Part:

13   *   *   *

14   (5) "Law enforcement officer" means:

15   (a) The law enforcement officers of the office of state police **<u>and the</u>**

16   **<u>probation and parole officers of the division of probation and parole</u>** of the

17   Department of Public Safety and Corrections.

1   *   *   *

2   §1797. Records open to inspection

3   *   *   *

4   B. The records maintained pursuant to R.S. 37:1796 shall at all times be open

5   to the inspection of the appropriate law enforcement officer **as defined in R.S.**

6   **37:1782(5)**.

7   §1798. Information furnished to police ~~or sheriff~~**, sheriff, or Department of Public**

8   **Safety and Corrections**

9   A. (1) Every pawnbroker shall provide all transactional information obtained

10   pursuant to R.S. 37:1796 to the chief of police of the city or town in which he is doing

11   business or to the sheriff of the parish in which he is doing business, on a daily basis

12   by the end of the next business day or on such less frequent basis as is required by the

13   chief of police or sheriff. The means for providing the transactional information

14   required under this Section shall be selected by the chief of police or sheriff and shall

15   be one of the following:

16   (a) By electronic transmission if the pawnbroker has the means available to

17   make transmissions in electronic form **via a system which makes solely**

18   **transactional information available for transmission and for examination by the**

19   **chief of police of the city or town in which he is doing business, or by the sheriff**

20   **of the parish in which he is doing business, or, when acting pursuant to**

21   **Paragraph (3) of this Subsection, by the Department of Public Safety and**

22   **Corrections, division of probation and parole**.

23   *   *   *

24   **(3) If a pawnshop is requested by the Department of Public Safety and**

25   **Corrections, division of probation and parole to provide transactional**

26   **information for the purpose of an investigation of a specific crime relating to a**

27   **particular pawn transaction, then such transactional information shall be**

28   **tendered. The means for tendering the transactional information shall be**

29   **selected by the department and the selection shall be limited to the means**

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Coding: Words which are ~~struck through~~ are deletions from existing law;
words in **boldface type and underscored** are additions.

1   **<u>specified in Paragraph (1) of this Subsection.</u>**

2   *   *   *

The original instrument was prepared by Angela Lockett De Jean. The following digest, which does not constitute a part of the legislative instrument, was prepared by Dawn Romero Watson.

DIGEST

Morrell (SB 95)

<u>Present law</u> defines, for purposes of the law regarding pawnbrokers, "law enforcement officer" as law enforcement officers of the office of state police of the Department of Public Safety and Corrections.

<u>Proposed law</u> adds DPS&C's probation and parole officers to <u>present law</u> definition.

<u>Present law</u> requires that certain records maintained by pawnbrokers be at all times open to inspection of law enforcement officers.

<u>Proposed law</u> clarifies that it is "law enforcement officers" as that term is defined in the pawnbroker statutes.

<u>Present law</u> requires every pawnbroker to provide all transactional information obtained pursuant to <u>present law</u> to the chief of police of the city or town in which he is doing business or to the sheriff of the parish in which he is doing business, on a daily basis by the end of the next business day or on such less frequent basis as is required by the chief of police or sheriff.

<u>Proposed law</u> retains <u>present law</u> and allows access upon request by the Department of Public Safety and Corrections, division of probation and parole to transactional information for the purpose of an investigation of a specific crime relating to a particular pawn transaction.

<u>Present law</u> provides that means for providing the transactional information required pursuant to <u>present law</u> shall be selected by the chief of police or sheriff and shall be one of the following:

1.   By electronic transmission if the pawnbroker has the means available to make transmissions in electronic form.

2.   By placing in the United States mail.

3.   By sending a facsimile.

<u>Proposed law</u> retains <u>present law</u>, but qualifies electronic means of transmission of transactional data to provide that it shall be via a system which makes solely transactional information available for transmission and examination.

Effective August 1, 2012.

(Amends R.S. 37:1782(5)(a), 1797(B), and 1798(A)(1)(a); adds R.S. 37:1798(A)(3))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill.

1. Adds "law enforcement officer" definition.

2. Adds qualifications to electronic means of tendering transactional information.

Senate Floor Amendments to reengrossed bill.

1. Technical amendments.