ACT No. 154

HOUSE BILL NO. 602

BY REPRESENTATIVE BRYANT AND SENATOR BARROW

1	AN ACT
2	To amend and reenact R.S. $15:587(A)(1)(a)$ and $587.1(B)(1)$ and to enact R.S. $15:576(6)$ and
3	587(A)(1)(j) and (I), relative to criminal identification and information; to provide
4	relative to the Louisiana Bureau of Criminal Identification and Information; to
5	provide relative to definitions; to require the bureau to make available to the
6	Louisiana Department of Education criminal history record and identification files;
7	to provide relative to latent fingerprint searches; to provide for an effective date; and
8	to provide for related matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. R.S. 15:587(A)(1)(a) and 587.1(B)(1) are hereby amended and reenacted
11	and R.S. 15:576(6) and 587(A)(1)(j) and (I) are hereby enacted to read as follows:
12	§576. Definitions
13	As used in this Chapter:
14	* * *
15	(6) The term "FBI rap back system" means a service maintained by the
16	Federal Bureau of Investigation to provide authorized noncriminal and criminal
17	justice agencies ongoing status notifications of any criminal history subsequently
18	reported to the FBI in its criminal history system after the initial criminal or civil
19	transaction.
20	* * *
21	§587. Duty to provide information; processing fees; Louisiana Bureau of Criminal
22	Identification and Information
23	A.(1)(a) The bureau shall make available upon request, or at such other times
24	as the deputy secretary shall designate, to any eligible criminal justice agency and
25	the Louisiana Department of Education, the Louisiana Department of Health, the

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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state fire marshal when reviewing applications for licensure, the Department of Children and Family Services, the Department of Insurance, the Louisiana State Racing Commission, the Senate and Governmental Affairs Committee, the House and Governmental Affairs Committee, the secretary of the Louisiana Workforce Commission or his designee, the Board of River Port Pilot Commissioners, the Office of Financial Institutions in the office of the governor, the office of the disciplinary counsel of the Louisiana Attorney Disciplinary Board of the Louisiana State Bar Association; however, as to any licensed attorney such information shall be provided only after the issuance of a formal charge against the attorney, the Louisiana Supreme Court Committee on Bar Admissions, the municipal or parish department or personnel responsible for reviewing applications for alcoholic beverage outlet permits, and the legislative auditor any information contained in the criminal history record and identification files of the bureau. The Department of Children and Family Services may provide information secured pursuant to this Subsection to all federal and state agencies providing child support enforcement services.

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history record and identification files of the bureau of any person who has submitted a fingerprint request pursuant to R.S. 15:587.1, R.S. 17:407.42 and 407.71. The bureau is authorized to submit fingerprints to the Federal Bureau of Investigation to be retained in the FBI rap back system for the purpose of being searched by future submissions to the FBI rap back system, including latent fingerprint searches. The bureau shall make available to the Louisiana Department of Education rap backs for requests made pursuant to R.S. 17:407.42 and 407.71.

(ii) The Louisiana Department of Education shall be entitled to criminal history record and identification files of the bureau of any person who has submitted a fingerprint request pursuant to R.S. 15:587.1 and R.S. 17:15. The bureau is authorized to submit fingerprints to the Federal Bureau of Investigation to be retained in the FBI rap back system for the purpose of being searched by future

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submissions to the FBI rap back system, including latent fingerprint searches. The bureau shall make available to the Louisiana Department of Education rap backs for requests made pursuant to R.S. 17:15.

* * *

I. The bureau is authorized to submit fingerprints to the FBI rap back system to be retained in the FBI rap back system for the purpose of being searched by future submissions to the FBI rap back system, including latent fingerprint searches.

§587.1. Provision of information to protect children

* * *

B.(1)(a) Upon receiving a request pursuant to the provisions of R.S. 17:15, 407.42, and 407.71, and R.S. 46:51.2 when authorized by R.S. 15:587, that meets the requirements of Subsection A of this Section, the bureau of criminal identification and information shall survey its criminal history records and identification files and make a simultaneous request of the Federal Bureau of Investigation for like information from other jurisdictions. The bureau of criminal identification and information shall provide a report promptly and in writing, but provide only such information as is necessary to specify whether or not that person has been arrested for or convicted of or pled nolo contendere to any crime or crimes, the crime or crimes of which he has been arrested for or convicted or to which he has pled nolo contendere, and the date or dates on which they occurred. The report provided pursuant to the provisions of this Subsection shall include arrests, convictions, or other dispositions, including convictions dismissed pursuant to Code of Criminal Procedure Articles 893 and 894.

(b) In addition to the requirements of Subparagraph (a) of this Paragraph, for requests made pursuant to R.S. 17:407.42 and 407.71, the bureau is authorized to submit fingerprints to the Federal Bureau of Investigation to be retained in the FBI rap back system for the purpose of being searched by future submissions to the FBI rap back system, including latent fingerprint searches. The bureau shall make available to the Louisiana Department of Education rap backs for requests made pursuant to R.S. 17:407.42 and 407.71. Any recipient of such information as

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provided for in this Paragraph shall maintain the confidentiality of such criminal history information in accordance with applicable state or federal law.

(c) In addition to the requirements of Subparagraph (a) of this Paragraph, for requests made pursuant to R.S. 17:15, the bureau is authorized to submit fingerprints to the Federal Bureau of Investigation to be retained in the FBI rap back system for the purpose of being searched by future submissions to the FBI rap back system, including latent fingerprint searches. The bureau shall make available to the Louisiana Department of Education rap backs for requests made pursuant to R.S. 17:15. Any recipient of such information as provided for in this Paragraph shall maintain the confidentiality of such criminal history information in accordance with applicable state or federal law.

* * *

Section 2(A). Except as provided in Subsection B of this Section, this Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

(B). R.S. 15:587(A)(1)(j)(ii) and 587.1(B)(1)(c), enacted by this Act, shall become effective upon the promulgation of rules by the Louisiana State Board of Elementary and Secondary Education providing for a development of a system designed to receive criminal history record and identification files pursuant to the FBI rap back system.

SPEAKER OF	THE HOUSE OF	REPRESENTATIVES
PRESIDENT C	F THE SENATE	
GOVERNOR (OF THE STATE O	F LOUISIANA

APPROVED: