

2017 Regular Session

HOUSE BILL NO. 473

BY REPRESENTATIVES GAINES, JAMES, AND JACKSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LAW ENFORCEMENT: Provides relative to P.O.S.T. certification of peace officers

1 AN ACT

2 To amend and reenact R.S. 40:2405(H)(2)(a), (I)(2), and (J), relative to peace officers; to  
3 provide relative to peace officer certification; to provide for annual training  
4 requirements for peace officers to maintain P.O.S.T. certification; to provide relative  
5 to impediments to P.O.S.T. certification; to provide for revocation of P.O.S.T.  
6 certification; to provide for grounds for revocation; to provide for revocation  
7 hearings; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:2405(H)(2)(a), (I)(2), and (J) are hereby amended and reenacted  
10 to read as follows:

11 §2405. Peace officer training requirements; reimbursement by peace officer

12 \* \* \*

13 H.

14 \* \* \*

15 (2)(a) A person who is not serving as a peace officer, but who retains the  
16 qualifications to do so, as provided in Paragraph (1) of this Subsection, may resume  
17 service as a qualified peace officer during the five-year period ~~without the~~  
18 ~~requirement of any further training prior to such resumption~~ provided the officer  
19 successfully requalifies with his or her firearm in accordance with the provisions of

1 ~~Paragraph (A)(2)~~ of this Section and completes additional annual training as required  
2 and prescribed by the council.

3 \* \* \*

4 I. Any person who is enrolled in a law enforcement curriculum and who  
5 successfully completes a certified Police Officer Standards and Training course or  
6 academy subsequent to July 1, 2005, and does not begin employment as a peace  
7 officer upon completion of the course or academy shall maintain their P.O.S.T.  
8 qualification status for a period of two years provided they meet the following  
9 requirements:

10 \* \* \*

11 (2) Satisfactorily fulfill all requirements for annual basic firearms training  
12 and any additional training as required and prescribed by the council.

13 J.(1) Notwithstanding any provision of law to the contrary, the P.O.S.T.  
14 certification of any qualified peace officer, whether employed full-time, part-time,  
15 or reserve, shall be ~~immediately~~ revoked upon ~~a conviction of malfeasance in office.~~  
16 the occurrence of any of the following conditions:

17 (a) A conviction of malfeasance in office.

18 (b) A conviction of an offense which results in the individual peace officer's  
19 restriction of his constitutional right to bear arms.

20 (2) The Council on Peace Officer Standards and Training may conduct a  
21 revocation hearing to determine whether the P.O.S.T. certification of any qualified  
22 peace officer, whether employed full-time, part-time, or reserve, shall be revoked if  
23 any of the following conditions occur:

24 (a) The officer has been discharged by his employing law enforcement  
25 agency for disciplinary reasons.

26 (b) The officer has been convicted of a felony in any court of the United  
27 States.

28 (c) The officer has failed to complete additional training as required and  
29 prescribed by the council.

1           (d) The officer voluntarily surrenders certification or a judicial disposition  
2           in a criminal case results in revocation of certification.

3           (3) Any hearings conducted by the council or appeal by an officer whose  
4           certification has been revoked shall be conducted according to rules and guidelines  
5           established by the council.

6           Section 2. This Act shall become effective upon signature by the governor or, if not  
7 signed by the governor, upon expiration of the time for bills to become law without signature  
8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
9 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
10 effective on the day following such approval.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 473 Original

2017 Regular Session

Gaines

**Abstract:** Provides for annual training requirements to maintain P.O.S.T. certification and grounds and procedures for revocation of P.O.S.T. certification for peace officers.

Present law establishes the Council on Peace Officer Standards and Training and authorizes the council to develop curriculum requirements for training of peace officers and accredit law enforcement training centers. Present law further provides for the training requirements for peace officers.

Proposed law requires annual training required by the council to maintain P.O.S.T. certification.

Present law provides for the removal of P.O.S.T. certification of any full-time, part-time, or reserve peace officer upon a conviction of malfeasance in office.

Proposed law retains present law and adds the conviction of any offense that results in the restriction of a peace officer's right to bear arms as grounds for revocation of P.O.S.T. certification.

Proposed law allows the council to conduct a revocation hearing to revoke P.O.S.T. certification when any of the following occur:

- (1) The officer has been suspended or discharged by a law enforcement agency for disciplinary reasons.
- (2) The officer has been convicted of a felony in any court in any state, territory, or country.
- (3) The officer has failed to complete additional training requirements as required and prescribed by the council.

- (4) The officer voluntarily surrenders his P.O.S.T. certification or a judicial disposition in a criminal cases results in revocation of certification.

Proposed law authorizes the council to establish rules and guidelines for revocation hearings.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:2405(H)(2)(a), (I)(2), and (J))