

2017 Regular Session

HOUSE BILL NO. 473

BY REPRESENTATIVES GAINES, BAGNERIS, GARY CARTER, JIMMY HARRIS,  
JACKSON, AND JAMES

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

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

5           (3) Any hearings conducted by the council or appeal by an officer whose  
6           certification has been revoked shall be conducted according to rules promulgated by  
7           the council.

8           (4) The council shall promulgate rules in accordance with the Administrative  
9           Procedure Act no later than January 1, 2018, subject to the oversight of the House  
10          Committee on Judiciary and the Senate Committee on Judiciary B, to provide  
11          procedures governing revocation hearings.

12          (5) Any peace officer whose certification has been denied or revoked by the  
13          council may file an appeal under the provisions of the Administrative Procedure Act  
14          provided in R.S. 49:964.

15          Section 2. This Act shall become effective upon signature by the governor or, if not  
16          signed by the governor, upon expiration of the time for bills to become law without signature  
17          by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
18          vetoed by the governor and subsequently approved by the legislature, this Act shall become  
19          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 Engrossed

2017 Regular Session

Gaines

**Abstract:** Provides for annual training requirements to maintain P.O.S.T. certification and provides 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 misdemeanor involving the crime of domestic abuse battery or a felony.
- (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 case which results in revocation of certification.

Proposed law requires the council to promulgate rules governing revocation hearings in accordance with the provisions of the Administrative Procedure Act.

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

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

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Add a conviction of a misdemeanor involving domestic abuse battery as grounds for potential P.O.S.T. revocation.
2. Require the P.O.S.T. Council to promulgate administrative rules regarding revocation hearings no later than Jan. 1, 2018.
3. Allow appeals of P.O.S.T. Council revocation rulings in accordance with the Administrative Procedure Act.