

2017 Regular Session

HOUSE BILL NO. 481

BY REPRESENTATIVES JACKSON, BAGNERIS, GARY CARTER, GAINES, JIMMY HARRIS, JAMES, MARINO, AND ZERINGUE AND SENATOR BARROW

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

LAW ENFORCE/OFFICERS: Provides relative to law enforcement officers

1 AN ACT

2 To amend and reenact R.S.15:1212(B)(introductory paragraph), (1), and (4) and 1212.1(B),
3 R.S. 40:2402(3)(a), (c), and (d) and 2405(A)(1) and (2), and R.S.
4 44:3(A)(introductory paragraph) and 4.1(B)(8), to enact R.S. 15:1212.1(C), (D), (E),
5 and (F) and R.S. 44:4(54), and to repeal R.S. 40:2405(E)(2), relative to law
6 enforcement; to provide relative to the Louisiana Uniform Law Enforcement
7 Statewide Reporting Database; to provide relative to the information reported to and
8 contained in the database; to provide relative to the use of information in the
9 database; to provide for certain information that is exempt from disclosure; to
10 provide relative to the definition of a peace officer; to provide relative to the time
11 periods within which peace officers are required to obtain training and certification;
12 to provide relative to the Public Records Law; to provide for an emergency effective
13 date; and to provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S.15:1212(B)(introductory paragraph), (1), and (4) and 1212.1(B) are
16 hereby amended and reenacted and R.S. 15:1212.1(C), (D), (E), and (F) are hereby enacted
17 to read as follows:

18 §1212. Creation of database; functions

19 * * *

1 ~~shall satisfactorily complete a basic firearms training program prescribed by the~~
2 ~~council within one calendar year from the date of initial employment. Any person~~
3 ~~who does not comply with the provisions of this Paragraph shall be prohibited from~~
4 ~~exercising the authority of a peace officer, reserve peace officer, or part-time peace~~
5 ~~officer; however, such persons shall not be prohibited from performing~~
6 ~~administrative duties. Notwithstanding any other provision of law to the contrary,~~
7 ~~any person who begins employment as a part-time or reserve peace officer in~~
8 ~~Louisiana subsequent to January 1, 2022, must successfully complete a certified~~
9 ~~training program approved by the council and successfully pass a council-approved~~
10 ~~comprehensive examination within one calendar year from the date of initial~~
11 ~~employment. Any person who fails to comply with this requirement shall be~~
12 ~~prohibited from exercising the authority of a peace officer; however, such persons~~
13 ~~shall not be prohibited from performing administrative duties. The council shall~~
14 ~~promulgate administrative rules for the certification requirements of part-time and~~
15 ~~reserve peace officers employed prior to January 1, 2022, subject to oversight by the~~
16 ~~House Committee on Judiciary and Senate Committee on Judiciary B.~~

* * *

18 Section 3. R.S. 44:3(A)(introductory paragraph) and 4.1(B)(8) are hereby amended
19 and reenacted and R.S. 44:4(54) is hereby enacted to read as follows:

20 §3. Records of prosecutive, investigative, and law enforcement agencies and
21 communications districts

22 A. Nothing in this Chapter shall be construed to require disclosures of
23 records, or the information contained therein, held by the offices of the attorney
24 general, district attorneys, sheriffs, police departments, Department of Public Safety
25 and Corrections, marshals, investigators, public health investigators, correctional
26 agencies, communications districts, intelligence agencies, Council on Peace Officer
27 Standards and Training, Louisiana Commission on Law Enforcement and

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)]

HB 481 Engrossed

2017 Regular Session

Jackson

Abstract: Provides for a law enforcement officer database and provides for training requirements.

Present law creates the "Louisiana Uniform Law Enforcement Statewide Reporting Database" (database) to be administered by the La. Commission on Law Enforcement and the Administration of Criminal Justice (commission) and authorizes the commission to appoint employees, agents, consultants, or special committees to manage the database.

Present law requires that the commission be the central depository for all information submitted for the database, and provides for the procedures, powers, and duties of the commission for the creation, operation, maintenance, and use of or access to the database.

Present law requires the commission to prepare and distribute forms to all law enforcement agencies for reporting information regarding the name, position, certifications related to training and qualifications, and hire and separation from service dates for all law enforcement officers.

Proposed law retains present law and requires all law enforcement agencies and the Council on Peace Officer Standards and Training (council) to report to the database for submission all P.O.S.T. certifications and decertifications, the final disposition of disciplinary actions that result in involuntary termination, resignations in lieu of termination, resignations pending an investigation, and final judgments in civil or criminal cases related to the duties of a law enforcement officer when the misconduct of that specific law enforcement officer gave rise to the cause of action.

Proposed law requires that the database be electronically accessible to qualified law enforcement agencies.

Proposed law requires all law enforcement agencies to obtain and certify to the commission that it has received the information reported to the database under present law and proposed law prior to hiring a law enforcement officer.

Proposed law limits the liability of the commission, council, a law enforcement agency, correctional agency, or institution for the release or reporting of information required by proposed law.

Proposed law also exempts records held by the database including personal information of the law enforcement officer or pertaining to an ongoing investigation from disclosure by public records request.

Present law defines "peace officer" as any full-time employee of the state, a municipality, a sheriff, or other public agency, whose permanent duties actually include the making of arrests, the performing of searches and seizures, or the execution of criminal warrants, and is responsible for the prevention or detection of crime or for the enforcement of the penal, traffic, or highway laws of this state, but not including any elected or appointed head of a law enforcement department. Present law also defines "peace officer" as a sheriff's deputy whose duties include the care, custody, and control of inmates and a full-time military police officer with the Military Dept. or full-time security personnel employed by the La. Supreme Court.

Proposed law retains present law but removes the requirement that a "peace officer" be a full-time employee.

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.

Present law requires all peace officers to be certified by the council by completing a certified training program prescribed by the council and to successfully pass a council approved comprehensive examination within one calendar year from the date of initial employment.

Proposed law provides that the one-year period is not interrupted if the peace officer leaves the employing agency to be employed as a peace officer in another agency.

Present law requires peace officers hired after Jan. 1, 1986, in a village with a population of less than 1,000, to be P.O.S.T. certified within two calendar years and exempts part-time and reserve peace officers from this requirement.

Proposed law retains present law but removes the part-time and reserve peace officer training exemption.

Present law further provides that any person who fails to comply with training requirements shall not be prohibited from performing administrative duties.

Proposed law retains present law and requires part-time or reserve peace officers hired after Jan. 1, 2022, to successfully complete a certified training program approved by the council and successfully pass a council-approved comprehensive examination within one calendar year from initial date of employment.

Proposed law requires the council to promulgate rules for the certification requirements of part-time and reserve peace officers employed prior to Jan. 1, 2022.

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

(Amends R.S.15:1212(B)(intro. para.), (1), and (4) and 1212.1(B), R.S. 40:2402(3)(a), (c), and (d) and 2405(A)(1) and (2), and R.S. 44:3(A)(intro. para.) and 4.1(B)(8); Adds R.S. 15:1212.1(C), (D), (E), and (F), and R.S. 44:4(54); Repeals R.S. 40:2405(E)(2))

Summary of Amendments Adopted by House

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

1. Remove the requirement that the final disposition of formal investigations related to law enforcement misconduct be submitted to the database by law enforcement agencies.
2. Add the requirement that final judgements in civil or criminal cases related to the duties of a law enforcement officer when the misconduct of that specific law enforcement officer gave rise to the cause of action be submitted to the database by law enforcement agencies.
2. Make technical amendments.