

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.

4 (e) A judicial disposition in a criminal case results in revocation of
5 certification.

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7 certification has been revoked shall be conducted according to rules promulgated by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

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

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

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

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 473 Reengrossed

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 involuntarily terminated by a law enforcement agency for disciplinary reasons involving criminal misconduct or civil rights violations.
- (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.
- (5) A judicial disposition in a criminal case 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.

The House Floor Amendments to the engrossed bill:

1. Change a ground for potential revocation of a peace officer's P.O.S.T. certification from being discharged by a law enforcement agency for disciplinary reasons to being involuntarily terminated by a law enforcement agency for disciplinary reasons involving criminal misconduct or civil rights violations.
2. Make technical amendments.