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## DIGEST

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HB 481 Reengrossed

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 provide the following additional information for inclusion in the database: all P.O.S.T. certifications and decertifications, the final disposition of disciplinary actions that result in involuntary termination, resignations in lieu of termination, and resignations pending an investigation, and final judgments in civil cases related to civil rights violations under the provisions federal law relative to civil rights violations (42 U.S.C. 1983) or related to serious bodily injury as defined in present law (R.S. 14:34.1(B)(3)) 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 provides that the information in the database is confidential and not subject to

disclosure pursuant to a 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. Provides exceptions.

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.

Proposed law retains present law but makes it applicable to part-time and reserve peace officers.

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.
3. Make technical amendments.

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the engrossed bill:

1. Limit the civil cases required to be reported to cases related to civil rights violations or serious bodily injury.
2. Clarify that the personal information of a peace officer in the database may be disclosed to requesting law enforcement agencies, accredited training academies, and councils on peace officer standards and training in other states and remove conflicting language allowing the general disclosure of information by the council, its accredited training academies, law enforcement agencies, and councils on peace officer standards and training in other states.
3. Clarify the certification requirements applicable to part-time and reserve peace officers employed before Jan. 1, 2022, are those promulgated by the council, and the certification requirements applicable to part-time and reserve peace officers employed on and after Jan. 1, 2022, are the same as those applicable to full-time peace officers.