

2017 Regular Session

HOUSE BILL NO. 481

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

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:

1           §1212. Creation of database; functions

2   \*       \*       \*

3                   B. The commission shall be the central depository for all information  
4 submitted for entry into the database by law enforcement agencies, correctional  
5 agencies, and institutions and shall have the following functions, powers, and duties:

6                   (1) To establish, through electronic data processing and related procedures,  
7 a database by which relevant information can be collected, coordinated, analyzed,  
8 and made readily available to serve and be electronically accessible to qualified law  
9 enforcement agencies concerned with the hiring practices, P.O.S.T. certifications,  
10 disciplinary actions, resignations, terminations, and training of law enforcement  
11 officers located anywhere in the state. The ~~commission~~ Council on Peace Officer  
12 Standards and Training shall prescribe the terms and conditions under which such  
13 agencies shall contribute or gain access to information contained in the database  
14 files.

15   \*       \*       \*

16                   (4) To prepare and distribute, to all such persons and agencies, forms to be  
17 used in reporting data to the database. The forms shall provide for detailed  
18 information regarding the name of the law enforcement officer, the designated  
19 position, the status of all P.O.S.T. certifications and decertifications related to  
20 training and qualifications, the hire date, the final disposition of disciplinary actions  
21 that result in involuntary termination, resignations in lieu of termination, resignations  
22 pending an investigation, final judgments in civil cases related to civil rights  
23 violations under the provisions of 42 U.S.C. 1983 or related to serious bodily injury  
24 as defined in R.S. 14:34.1(B)(3) or criminal cases related to the duties of a law  
25 enforcement officer in the course and scope of his employment when the misconduct  
26 of that specific law enforcement officer gave rise to the cause of action, and the date  
27 of separation from service.

28   \*       \*       \*

29           §1212.1. Report to the system; duties of persons and agencies

30   \*       \*       \*

1                   ~~B. Upon the request of the commission, all~~ All law enforcement agencies  
2 shall provide any other such assistance, information, and data which are reasonable  
3 and available to enable the commission to properly carry out its powers and duties.

4                   C. A law enforcement agency shall obtain and certify to the commission that  
5 it has received the required information as provided in R.S. 15:1212(B)(4) from the  
6 database before hiring a law enforcement officer.

7                   D. Except in cases of willful or wanton misconduct or gross negligence, the  
8 commission, Council on Peace Officer Standards and Training, or a law enforcement  
9 agency, correctional agency, or institution shall not be civilly or criminally liable for  
10 the release or reporting of information provided in R.S. 15:1212(B)(4) when released  
11 or reported pursuant to the provisions of this Section.

12                   E. The personal information of a peace officer including the peace officer's  
13 home address, home telephone number, birth date, Social Security number, driver's  
14 license number, and username for P.O.S.T. electronic data/training systems  
15 contained in the database central depository shall be confidential and shall not be  
16 subject to disclosure by the commission or Council on Peace Officer Standards and  
17 Training pursuant to the Public Records Law but may be disclosed to a requesting  
18 law enforcement agency in this or another state, accredited training academies of the  
19 Council on Peace Officer Standards and Training, and to councils on peace officer  
20 standards and training in other states.

21                   F. The information received by the commission as provided in R.S.  
22 15:1212(B)(4), other than certification and training records of a law enforcement  
23 officer, shall be used for hiring or revocation purposes only and shall not be  
24 disclosed to any persons other than a qualifying law enforcement agency.

25   \*       \*       \*

26                   Section 2. R.S. 40:2402(3)(a), (c), and (d) and 2405(A)(1) and (2) are hereby  
27 amended and reenacted to read as follows:

1 §2402. Definitions

2 As used in this Chapter:

3 \* \* \*

4 (3)(a) "Peace officer" means any ~~full-time~~ employee of the state, a  
5 municipality, a sheriff, or other public agency, whose permanent duties actually  
6 include the making of arrests, the performing of searches and seizures, or the  
7 execution of criminal warrants, and is responsible for the prevention or detection of  
8 crime or for the enforcement of the penal, traffic, or highway laws of this state, but  
9 not including any elected or appointed head of a law enforcement department.

10 \* \* \*

11 (c) "Peace officer" shall also include ~~full-time~~ military police officers within  
12 the Military Department, ~~State~~ state of Louisiana.

13 (d) "Peace officer" shall also include ~~full-time~~ security personnel employed  
14 by the Supreme Court of the state of Louisiana.

15 \* \* \*

16 §2405. Peace officer training requirements; reimbursement by peace officer

17 A.(1) ~~Notwithstanding any other provision of law to the contrary~~ Except as  
18 otherwise provided in Paragraph (2) of this Subsection, any person who begins  
19 employment as a peace officer in Louisiana subsequent to January 1, 1986, must  
20 successfully complete a certified training program approved by the council and  
21 successfully pass a council-approved comprehensive examination within one  
22 calendar year from the date of initial employment. The one-year period in which a  
23 peace officer is required to complete a certified training program approved by the  
24 council and successfully pass a council-approved comprehensive examination is not  
25 interrupted if the peace officer leaves the employing agency to be employed as a  
26 peace officer in another agency in Louisiana. Any person who fails to comply with  
27 this requirement shall be prohibited from exercising the authority of a peace officer;  
28 however, such persons shall not be prohibited from performing administrative duties.

1                   (2) ~~In addition, any person employed or commissioned as a peace officer,~~  
 2                   ~~reserve peace officer, or part-time peace officer prior to July 1, 1998, including those~~  
 3                   ~~persons employed as such prior to January 1, 1986, who has not satisfactorily~~  
 4                   ~~completed a basic firearms training program, shall do so no later than August 1,~~  
 5                   ~~1999. All other such persons who begin employment subsequent to July 1, 1998,~~  
 6                   ~~shall satisfactorily complete a basic firearms training program prescribed by the~~  
 7                   ~~council within one calendar year from the date of initial employment. Any person~~  
 8                   ~~who does not comply with the provisions of this Paragraph shall be prohibited from~~  
 9                   ~~exercising the authority of a peace officer, reserve peace officer, or part-time peace~~  
 10                  ~~officer; however, such persons shall not be prohibited from performing~~  
 11                  ~~administrative duties.~~

12                   (a) The council shall promulgate administrative rules for the certification  
 13                   requirements of part-time and reserve peace officers employed on or after the  
 14                   effective date of this Act and prior to January 1, 2022, subject to oversight by the  
 15                   House Committee on Judiciary and Senate Committee on Judiciary B.

16                   (b) Any person who begins employment as a part-time or reserve peace  
 17                   officer in Louisiana on or after January 1, 2022, shall be subject to the requirements  
 18                   of Paragraph (1) of this Subsection.

19   \*       \*       \*

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

22                   §3. Records of prosecutive, investigative, and law enforcement agencies and  
 23                   communications districts

24                   A. Nothing in this Chapter shall be construed to require disclosures of  
 25                   records, or the information contained therein, held by the offices of the attorney

1 general, district attorneys, sheriffs, police departments, Department of Public Safety  
 2 and Corrections, marshals, investigators, public health investigators, correctional  
 3 agencies, communications districts, intelligence agencies, Council on Peace Officer  
 4 Standards and Training, Louisiana Commission on Law Enforcement and  
 5 Administration of Criminal Justice, or publicly owned water districts of the state,  
 6 which records are:

7 \* \* \*

8 §4. Applicability

9 This Chapter shall not apply:

10 \* \* \*

11 (54) To the personal information of a peace officer as provided in R.S.  
 12 15:1212.1(E) in the custody of the Council on Peace Officer Standards and Training  
 13 or the Louisiana Commission on Law Enforcement and the Administration of  
 14 Criminal Justice.

15 §4.1. Exceptions

16 \* \* \*

17 B. The legislature further recognizes that there exist exceptions, exemptions,  
 18 and limitations to the laws pertaining to public records throughout the revised  
 19 statutes and codes of this state. Therefore, the following exceptions, exemptions, and  
 20 limitations are hereby continued in effect by incorporation into this Chapter by  
 21 citation:

22 \* \* \*

23 (8) R.S. 15:242, 440.6, 477.2, 549, 570(F), 574.12, 578.1, 616, 660, 840.1,  
 24 1176, 1204.1, 1212.1(E), 1507, 1614

25 \* \* \*

26 Section 4. R.S. 40:2405(E)(2) is hereby repealed in its entirety.

1           Section 5. This Act shall become effective upon signature by the governor or, if not  
2 signed by the governor, upon expiration of the time for bills to become law without signature  
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_