
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)]

CONFERENCE COMMITTEE REPORT DIGEST

HB 473

2017 Regular Session

Gaines

Keyword and oneliner of the instrument as it left the House

LAW ENFORCEMENT: Provides relative to P.O.S.T. certification of peace officers

Report adopts Senate amendments to:

1. Add the involuntary commitment of a peace officer by a coroner pursuant to R.S. 28:53.2 as a ground to allow the council to conduct a revocation hearing to revoke a peace officer's P.O.S.T. certification.

Report rejects Senate amendments which would have:

1. Required the annual training to maintain P.O.S.T. certification as required by the council to be made available only online and at no cost to the peace officer.
2. Prohibited the council from conducting a revocation hearing pursuant to proposed law unless an officer has exhausted all legal remedies.

Report amends the bill to:

1. Add that additional annual training to maintain P.O.S.T. certification as required by the council may be made available online and at no cost to the peace officer.
2. Add that annual training to maintain P.O.S.T. certification when there is a lapse of employment shall be completed for the year in which the peace officer resumes employment.
3. Remove criminal misconduct of a peace officer that results in the involuntary termination of a peace officer as a ground to allow the council to conduct a revocation hearing to revoke a peace officer's P.O.S.T. certification, and allow the council to conduct a revocation hearing to revoke a peace officer's P.O.S.T. certification when the peace officer has been involuntarily terminated by a law enforcement agency for disciplinary reasons involving an adjudication of a civil rights violation when all administrative remedies have been

exhausted.

Digest of the bill as proposed by the Conference Committee

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 provides that annual training required by the council to maintain P.O.S.T. certification may be made available online and at no cost to the peace officer. Proposed law further requires that when there is a lapse of employment, a peace officer shall be required to complete the annual training to maintain P.O.S.T. certification for the year in which the peace officer resumes employment.

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 an adjudication of civil rights violations and has exhausted all administrative remedies.
- (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.
- (6) The officer has been involuntarily committed by a coroner under present law (R.S. 28:53.2).

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) and (c), (I)(2), and (J))