

CONFERENCE COMMITTEE REPORT

HB 473

2017 Regular Session

Gaines

June 7, 2017

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 473 by Representative Gaines, recommend the following concerning the Reengrossed bill:

1. That Senate Floor Amendment Nos. 1 and 2 by Senator Peacock (#2364) be adopted.
2. That Senate Floor Amendments Nos. 3 and 4 by Senator Peacock (#2364) be rejected.
3. That the set of Senate Floor Amendments by Senator Claitor (#2504) be rejected.
4. That the following amendments to the Reengrossed bill be adopted:

AMENDMENT NO. 1

On page 2, line 1, after "training" and before "as" insert "for the year in which the peace officer resumes employment"

AMENDMENT NO. 2

On page 2, between lines 3 and 4, insert the following:

"(c) The additional annual training required of officers pursuant to Subparagraph (a) of this Paragraph and Paragraph (I)(2) of this Section may be available online and at no cost to the peace officer.

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AMENDMENT NO. 3

On page 2, line 12, after "training" and before "as" insert "for the year in which the peace officer resumes employment"

AMENDMENT NO. 4

On page 2, line 25, after "involving" and before "civil" delete "criminal misconduct or" and insert "an adjudication of"

AMENDMENT NO. 5

On page 2, at the end of line 26, delete the period "." and insert "and the officer has exhausted all administrative remedies."

Respectfully submitted,

Representative Randal Gaines

Senator Barrow Peacock

Representative Katrina Jackson

Senator Gary L. Smith, Jr.

Representative Terry Landry

Senator Mack "Bodi" White, Jr.

 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 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.
3. Added 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 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.

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))