

RÉSUMÉ DIGEST

ACT 272 (HB 481)

2017 Regular Session

Jackson

Existing 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.

Existing 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.

Existing 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.

New law retains existing 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 federal provisions relative to civil rights violations (42 U.S.C. 1983) or related to serious bodily injury as defined in existing law (R.S. 14:34.1(B)(3)), and 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.

New law requires that the database be electronically accessible to qualified law enforcement agencies.

New law requires all law enforcement agencies to obtain and certify to the commission that it has received the information reported to the database under existing law and new law prior to hiring a law enforcement officer.

New 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 new law.

New law provides that the information in the database is confidential and not subject to disclosure pursuant to a public records request.

Existing 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. Existing 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.

New law retains existing law but removes the requirement that a "peace officer" be a full-time employee.

Existing 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. Existing law further provides for the training requirements for peace officers.

Existing 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.

New 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.

New law retains existing law but makes it applicable to part-time and reserve peace officers.

New law 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.

New 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 (June 16, 2017).

(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))