

2019 Regular Session

HOUSE BILL NO. 506

BY REPRESENTATIVE DUPLESSIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

POLICE/STATE: Provides for the collection and reporting of data

1 AN ACT

2 To enact Chapter 36 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 40:2901 and 2902, relative to law enforcement; to provide for data collection
4 by law enforcement agencies; to provide for the creation of a task force; to provide
5 for membership, duties, and meetings of the task force; to provide specific topics for
6 the task force to study; to provide relative to law enforcement policies regarding
7 racial profiling; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Chapter 36 of Title 40 of the Louisiana Revised Statutes of 1950,
10 comprised of R.S. 40:2901 and 2902, is hereby enacted to read as follows:

11 CHAPTER 36. COLLECTION AND SUBMISSION OF DATA

12 RELATED TO LAW ENFORCEMENT ACTIVITIES

13 §2901. Short title

14 This Chapter may be cited as the "Police Data Accountability, Transparency,
15 and Analysis Act" or the "Police DATA Act".

16 §2902. Law Enforcement Data Task Force

17 A. The Louisiana Legislature hereby creates the Law Enforcement Data Task
18 Force to study the collection and analysis of data regarding peace officer interaction
19 with the public.

20 B.(1) The membership of the task force shall be as follows:

1 (a)(i) One member shall be appointed by the Louisiana Commission on Law
2 Enforcement and Administration of Criminal Justice.

3 (ii) This member shall not be a voting member.

4 (iii) This member shall serve as the task force president.

5 (b) One member shall be appointed by the Louisiana Association of Chiefs
6 of Police.

7 (c) One member shall be appointed by the Louisiana Sheriffs' Association.

8 (d) One member shall be appointed by the Department of Public Safety and
9 Corrections, office of state police.

10 (e) One member shall be appointed by Pelican Institute for Public Policy.

11 (f) One member shall be appointed by Southern Poverty Law Center.

12 (g) One member shall be appointed by Public Affairs Research Council.

13 (h) One member shall be appointed by American Civil Liberties Union of
14 Louisiana.

15 (i) One member shall be appointed by the Louisiana American Federation
16 of Labor-Congress of Industrial Organizations (AFL-CIO).

17 (j) One member shall be appointed by the Louisiana Supreme Court.

18 (k) One member shall be appointed by Louisiana Survivors for Reform.

19 (l) One member shall be appointed by the Louisiana District Attorneys
20 Association.

21 (m) One member shall be appointed by the Louisiana Judicial Council.

22 (n) One member shall be appointed by the Council on Peace Officer
23 Standards and Training.

24 (o) One member shall be appointed by Sexual Trauma Awareness and
25 Response (STAR).

26 (p) One member shall be appointed by the Integrated Criminal Justice
27 Information System Policy Board (ICJIS).

28 C. The task force meetings shall be subject to the Open Meetings Law.

1 D. A majority of the members of the task force shall constitute a quorum. A
2 quorum shall be present to transact any business. The task force shall not create any
3 subcommittees, but shall handle all matters before the task force.

4 E. The task force shall meet at least quarterly for one year, and the initial
5 meeting shall be no later than November 30, 2019. Dates and times for all remaining
6 task force meetings shall be agreed upon by all appointed members of the task force.

7 F. The task force shall discuss and report on the following topics with
8 respect to the collection of data and information by law enforcement agencies:

9 (1) Current methods of data collection in the state of Louisiana.

10 (2) Current methods of data collection outside the state of Louisiana.

11 (3) Current methods of reporting data outside the state of Louisiana.

12 (4) Methods of utilizing data collection and reporting to improve public
13 safety, community engagement, and public confidence in law enforcement.

14 (5) The manner in which rural and small law enforcement agencies currently
15 comply with data collection requirements in other states.

16 (6) Recommendations on the expansion of data collection and reporting.

17 (7) Possible methods of transmitting collected data by law enforcement
18 agencies for aggregated presentation.

19 (8) A cost analysis for the collection of extensive data, including but not
20 limited to the following:

21 (a) Traffic stops.

22 (b) Pedestrian stops.

23 (c) Clearance rates.

24 (d) Execution of no-knock warrants.

25 (e) Use of special weapons and tactics teams.

26 (f) Use of force.

27 (9) Current policies against racial profiling utilized by individual law
28 enforcement agencies in the state. The task force shall review the policies of each

1 law enforcement agency to determine whether the agency is excepted from the
2 reporting requirements as provided in R.S. 32:398.10(E).

3 G. The task force shall accept written or in-person testimony regarding all
4 matters it considers and shall include all relevant public testimony in its final report
5 required by Subsection H of this Section.

6 H. The task force shall submit a written report to the Louisiana Commission
7 on Law Enforcement and Administration of Criminal Justice, the House Committee
8 on Judiciary, the Senate Committee on Judiciary B, and the Council on Peace
9 Officers Standards and Training by January thirty-first of each calendar year. The
10 initial report shall be submitted by the task force on January 31, 2021.

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)]

HB 506 Reengrossed

2019 Regular Session

Duplessis

Abstract: Creates a task force to study the collection and analysis of data regarding peace officer interaction with the public.

Proposed law creates the Law Enforcement Data Task Force to study the collection and analysis of certain law enforcement-related activities.

Proposed law provides that the task force shall be made up of sixteen members appointed by specific entities and provides for the frequency of task force meetings. Proposed law states that a majority of the members shall constitute a quorum and a quorum is needed to transact any business.

Proposed law requires the task force to meet quarterly with the initial meeting being no later than November 30, 2019.

Proposed law provides for the specific topics that the task force is required to study and discuss, and requires the task force to submit its initial report by January 31, 2021, and to continue to report by January 31st each year thereafter.

Present law (R.S. 32:398.10) requires peace officers to collect information on the number of persons stopped for traffic violations and the demographics of those persons, the nature of the stop, and whether a citation or warrant was issued, an arrest made, or a search conducted.

Proposed law requires the created task force to collect individual agency's policies regarding the collection of this data. The task force shall review each policy and determine which agency shall be exempt from the regulations of R.S. 32:398.10(E).

(Adds R.S. 40:2901 and 2902)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Create the Law Enforcement Data Task Force.
2. Make technical amendments.
3. Remove the requirement of the collection of information from peace officers by certain law enforcement agencies on outlined topics.
4. Remove the requirement that peace officers must report information on individuals involved in specific incidences.
5. Remove the submission phases for law enforcement agencies depending on their size.
6. Remove actions against law enforcement agencies for failure to comply.
7. Remove the requirement that law enforcement agencies submit all data required by the FBI to the Louisiana Uniform Crime Reporting System.

The House Floor Amendments to the engrossed bill:

1. Add two additional appointed members to the task force.
2. Establish that a majority of the members shall constitute a quorum.
3. Require that a quorum be present for the transacting of any business.