

Regular Session, 2010

SENATE BILL NO. 104

BY SENATOR THOMPSON

LAW ENFORCEMENT. Provides relative to the authority of levee district police officers and their training and commissioning by state police. (8/15/10)

1 AN ACT  
2 To amend and reenact R.S. 38:326(A) and (C), relative to police officers of a levee district  
3 and a levee and drainage district; to provide relative to the special officer  
4 commission; and to provide for related matters.  
5 Be it enacted by the Legislature of Louisiana:  
6 Section 1. R.S. 38:326(A) and (C) are hereby amended and reenacted to read as  
7 follows:  
8 §326. Authority of levee district and levee and drainage district police officers;  
9 annual expenditure  
10 A. **(1)(a)** Any levee district or levee and drainage district may, at the  
11 discretion of its boards of commissioners, employ one or more persons as levee  
12 district or levee and drainage district police officers. Those persons who are  
13 designated levee district or levee and drainage district police officers in accordance  
14 with this Section are responsible for maintaining order and exercising general police  
15 power on and off the levees, within the area of the levee district or levee and  
16 drainage district, and upon its surrounding waters.  
17 **(b)** Each such person named as a police officer by the president of the levee

1 district or levee and drainage district shall be commissioned as a peace officer by the  
2 Department of Public Safety and Corrections **in accordance with the provisions of**  
3 **R.S. 40:1379.1**. Such commission shall remain in force and effect at the pleasure of  
4 the president of the levee district or levee and drainage district and the Department  
5 of Public Safety and Corrections subject to applicable civil service regulations.

6 (2) These police officers shall have the right to exercise the power of arrest  
7 as peace officers **within this state in order to fulfill their duties**, according to law,  
8 ~~within the area of their jurisdiction~~ as provided herein.

9 (3) Each such police officer shall execute a bond in the amount of ten  
10 thousand dollars in the favor of the state of Louisiana for the faithful performance  
11 of his duties. The premium on the bond shall be paid by the levee district or levee  
12 and drainage district. Additionally, each board shall obtain police liability insurance  
13 in an amount appropriate to each individual district.

14 (4) The provisions of this Section shall not entitle any such police officer to  
15 state supplemental pay.

16 \* \* \*

17 C. No person ~~except a commissioner~~ may be commissioned as a levee district  
18 or levee and drainage district police officer unless prior to such commissioning the  
19 person has, as a minimum requirement, completed ~~and graduated from the six-week~~  
20 ~~program of basic law enforcement training at Louisiana State University and~~  
21 ~~Agricultural and Mechanical College~~ **a training program and received**  
22 **certification as a peace officer by the Louisiana Council on Peace Officer**  
23 **Standards and Training (POST Council)** or possesses equivalent training and  
24 experience.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Sharon F. Lyles.

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DIGEST

Present law authorizes any levee district or levee and drainage district, at the discretion of  
its boards of commissioners, to employ one or more persons as levee district or levee and

drainage district police officers who are responsible for maintaining order and exercising general police power on and off the levees, within the area of the levee district or levee and drainage district, and upon its surrounding waters. Present law further provides that each person designated as a police officer by the president of the levee district or levee and drainage district shall be commissioned as a "peace officer" by the Department of Public Safety and Corrections.

Proposed law provides that levee district and levee and drainage district police are commissioned as "special officers" by the Department of Public Safety and Corrections in accordance with the provisions of R.S. 40:1379.1.

Present law grants authority to such levee police to exercise the power to arrest within the area of their jurisdiction.

Proposed law authorizes levee district and levee and drainage district police to have the right to exercise the power of arrest as peace officers within this state in order to fulfill their duties.

Present law provides that no person except a commissioner may be commissioned as a levee district or levee and drainage district police officer prior to meeting the minimum requirement of completing and graduating from the six-week program of basic law enforcement training at Louisiana State University and Agricultural and Mechanical College or possession of equivalent training and experience.

Proposed law provides that no person may be commissioned as a levee district or levee and drainage district police officer unless he is P.O.S.T. certified or possesses equivalent training and experience.

Effective August 15, 2010.

(Amends R.S. 38:326(A) and (C))