

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, according to law, within the area of their jurisdiction as provided
8 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.~~

25 * * *

The original instrument was prepared by Sharon F. Lyles. The following digest, which does not constitute a part of the legislative instrument, was prepared by Michelle Ducharme.

DIGEST

Thompson (SB 104)

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 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.

Effective August 15, 2010.

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

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill.

1. Removes proposed law changes to the jurisdiction of levee district police officers.
2. Deletes present law provision allowing a levee police officer to be commissioned if he possesses training and experience equivalent to P.O.S.T.