

SENATE BILL NO. 294

BY SENATOR MORRELL

1 AN ACT

2 To amend and reenact R.S. 40:2531(B)(7), relative to law enforcement; to provide relative  
3 to rights of law enforcement officers; to provide for rights while under investigation;  
4 to provide relative to investigations of alleged criminal activity; and to provide for  
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:2531(B)(7) is hereby amended and reenacted to read as follows:

8 §2531. Applicability; minimum standards during investigation; penalties for  
9 Failure to comply

10 \* \* \*

11 B. Whenever a police employee or law enforcement officer is under  
12 investigation, the following minimum standards shall apply:

13 \* \* \*

14 (7) When a formal, ~~and~~ written complaint is made against any police  
15 employee or law enforcement officer, the superintendent of state police or the chief  
16 of police or his authorized representative shall initiate an investigation within  
17 fourteen days of the date the complaint is made. Except as otherwise provided in this  
18 Paragraph, each investigation of a police employee or law enforcement officer which  
19 is conducted under the provisions of this Chapter shall be completed within sixty  
20 days. However, in each municipality which is subject to a Municipal Fire and Police  
21 Civil Service law, the municipal police department may petition the Municipal Fire  
22 and Police Civil Service Board for an extension of the time within which to complete  
23 the investigation. The board shall set the matter for hearing and shall provide notice  
24 of the hearing to the police employee or law enforcement officer who is under  
25 investigation. The police employee or law enforcement officer who is under  
26 investigation shall have the right to attend the hearing and to present evidence and  
27 arguments against the extension. If the board finds that the municipal police

1 department has shown good cause for the granting of an extension of time within  
 2 which to complete the investigation, the board shall grant an extension of up to sixty  
 3 days. Nothing contained in this Paragraph shall be construed to prohibit the police  
 4 employee or law enforcement officer under investigation and the appointing  
 5 authority from entering into a written agreement extending the investigation for up  
 6 to an additional sixty days. The investigation shall be considered complete upon  
 7 notice to the police employee or law enforcement officer under investigation of a  
 8 pre-disciplinary hearing or a determination of an unfounded or unsustained  
 9 complaint. ~~Further, nothing~~ **Nothing** in this Paragraph shall limit any investigation  
 10 of alleged criminal activity.

11 \* \* \*

12 Section 2. Notwithstanding any other provision of law to the contrary, any law  
 13 enforcement officer who participated in the program repealed by Act No. 480 of the 2009  
 14 Regular Session and who continued in employment after participation in the program  
 15 through July 1, 2014, without a break in service, shall upon retirement be paid a monthly  
 16 salary that includes a longevity benefit, funded from the June 30, 2014, balance in the  
 17 account created in R.S. 11:1332, which, together with the lump sum in his program account  
 18 on his retirement date, is actuarially equivalent to the monthly benefit calculated as though  
 19 he had not participated in the program.

20 Section 3. The provisions of this Act shall become effective on July 1, 2014; if  
 21 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 22 effective on July 1, 2014, or on the day following such approval by the legislature,  
 23 whichever is later.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_