

2016 Regular Session

SENATE BILL NO. 287

BY SENATOR WARD

LAW ENFORCEMENT. Provides for the revocation of P.O.S.T. certification for peace officers convicted of malfeasance in office. (8/1/16)

1 AN ACT

2 To enact R.S. 14:134(C)(3) and R.S. 40:2405(J), relative to peace officers; to provide for
3 penalties; to provide for revocation of P.O.S.T. certification; to provide for a
4 conviction of malfeasance in office; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:134(C)(3) is hereby enacted to read as follows:

7 §134. Malfeasance in office

8 * * *

9 C.(1) * * *

10 **(3) If the individual convicted of the crime of malfeasance in office is a**
11 **P.O.S.T. certified full-time, part-time, or reserve peace officer, the P.O.S.T**
12 **certification of that peace officer shall be immediately revoked pursuant to R.S.**
13 **40:2405(J).**

14 Section 2. R.S. 40:2405(J) is hereby enacted to read as follows:

15 §2405. Peace officer training requirements; reimbursement by peace officer

16 * * *

17 **J. Notwithstanding any provision of law to the contrary, the P.O.S.T.**

1 **certification of any qualified peace officer, whether employed full-time, part-**
 2 **time, or reserve, shall be immediately revoked upon a conviction of malfeasance**
 3 **in office.**

The original instrument was prepared by Ashley Menou. The following digest, which does not constitute a part of the legislative instrument, was prepared by Benjamin A. Huxen II.

DIGEST

SB 287 Engrossed 2016 Regular Session Ward

Present law establishes the Council on Peace Officer Standards and Training and authorizes the Council to develop curriculum requirements for the training of peace officers and accredit law enforcement training centers. Present law further provides for the training requirements of peace officers.

Present law provides that malfeasance in office is committed when any public officer or public employee:

- (1) Intentionally refuses or fails to perform any duty lawfully required of him, as such officer or employee; or
- (2) Intentionally performs any such duty in an unlawful manner; or
- (3) Knowingly permit any other public officer or public employee, under his authority, to intentionally refuse or fail to perform any duty lawfully required of him, or to perform any such duty in an unlawful manner.

Proposed law provides for the immediate removal of the P.O.S.T. certification of any full-time, part-time, or reserve peace officer upon a conviction of malfeasance in office.

Effective August 1, 2016.

(Adds R.S. 14:134(C)(3) and R.S. 40:2405(J))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Changes the words "qualification" and "qualified" to "certification" and "certified" throughout in order to properly reflect present law terminology.