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ACT No. 271

HOUSE BILL NO. 473

BY REPRESENTATIVES GAINES, BAGNERIS, GARY CARTER, JIMMY HARRIS, JACKSON, AND JAMES

AN ACT

2	To amend and reenact R.S. 40:2405(H)(2)(a), (I)(2), and (J) and to enact R.S.
3	40:2405(H)(2)(c), relative to peace officers; to provide relative to peace officer
4	certification; to provide for annual training requirements for peace officers to
5	maintain P.O.S.T. certification; to provide relative to impediments to P.O.S.T.
6	certification; to provide for revocation of P.O.S.T. certification; to provide for
7	grounds for revocation; to provide for revocation hearings; and to provide for related
8	matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. R.S. 40:2405(H)(2)(a), (I)(2), and (J) are hereby amended and reenacted
1	and R.S. 40:2405(H)(2)(c) is hereby enacted to read as follows:
12	§2405. Peace officer training requirements; reimbursement by peace officer
13	* * *
14	H.
15	* * *
16	(2)(a) A person who is not serving as a peace officer, but who retains the
17	qualifications to do so, as provided in Paragraph (1) of this Subsection, may resume
18	service as a qualified peace officer during the five-year period without the

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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1	requirement of any further training prior to such resumption provided the officer
2	successfully requalifies with his or her firearm in accordance with the provisions of
3	Paragraph (A)(2) of this Section and completes additional annual training for the
4	year in which the peace officer resumes employment as required and prescribed by
5	the council.
6	* * *
7	(c) The additional annual training required of officers pursuant to
8	Subparagraph (a) of this Paragraph and Paragraph (I)(2) of this Section may be
9	available online and at no cost to the peace officer.
10	* * *
11	I. Any person who is enrolled in a law enforcement curriculum and who
12	successfully completes a certified Police Officer Standards and Training course or
13	academy subsequent to July 1, 2005, and does not begin employment as a peace
14	officer upon completion of the course or academy shall maintain their P.O.S.T.
15	qualification status for a period of two years provided they meet the following
16	requirements:
17	* * *
18	(2) Satisfactorily fulfill all requirements for annual basic firearms training
19	and any additional training for the year in which the peace officer resumes
20	employment as required and prescribed by the council.
21	J.(1) Notwithstanding any provision of law to the contrary, the P.O.S.T.
22	certification of any qualified peace officer, whether employed full-time, part-time,
23	or reserve, shall be immediately revoked upon a conviction of malfeasance in office.
24	the occurrence of any of the following conditions:
25	(a) A conviction of malfeasance in office.

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- (b) A conviction of an offense which results in the individual peace officer's restriction of his constitutional right to bear arms.
- (2) The Council on Peace Officer Standards and Training may conduct a revocation hearing to determine whether the P.O.S.T. certification of any qualified

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1	peace officer, whether employed full-time, part-time, or reserve, shall be revoked if
2	any of the following conditions occur:
3	(a) The officer has been involuntarily terminated by his employing law
4	enforcement agency for disciplinary reasons involving an adjudication of civil rights
5	violations and the officer has exhausted all administrative remedies.
6	(b) The officer has been convicted of a misdemeanor involving the crime of
7	domestic abuse battery as provided in R.S. 14:35.3 or a felony in any court of the
8	<u>United States.</u>
9	(c) The officer has failed to complete additional training as required and
10	prescribed by the council.
11	(d) The officer voluntarily surrenders certification.
12	(e) A judicial disposition in a criminal case results in revocation of
13	certification.
14	(3) Any hearings conducted by the council or appeal by an officer whose
15	certification has been revoked shall be conducted according to rules promulgated by
16	the council.
17	(4) The council shall promulgate rules in accordance with the Administrative
18	Procedure Act no later than January 1, 2018, subject to the oversight of the House
19	Committee on Judiciary and the Senate Committee on Judiciary B, to provide
20	procedures governing revocation hearings.
21	(5) Any peace officer whose certification has been denied or revoked by the
22	council may file an appeal under the provisions of the Administrative Procedure Act
23	provided in R.S. 49:964.

1	Section 2. This Act shall become effective upon signature by the governor or, if not
2	signed by the governor, upon expiration of the time for bills to become law without signature
3	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4	vetoed by the governor and subsequently approved by the legislature, this Act shall become
5	effective on the day following such approval.
	SPEAKER OF THE HOUSE OF REPRESENTATIVES
	PRESIDENT OF THE SENATE
	GOVERNOR OF THE STATE OF LOUISIANA

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APPROVED: