

2022 Regular Session

SENATE BILL NO. 182

BY SENATOR FIELDS

LAW ENFORCEMENT. Provides relative to revocation of P.O.S.T. certification. (gov sig)

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AN ACT

To amend and reenact R.S. 40:2405(J)(1) and (2) and enact R.S. 14:134(A)(4), relative to mandatory P.O.S.T. certification revocation; to provide relative to malfeasance in office by public officers and employees; to provide additional conditions under which a peace officer's P.O.S.T. certification will be revoked; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:134(A)(4) is hereby enacted to read as follows:

§134. Malfeasance in office

A. Malfeasance in office is committed when any public officer or public employee shall:

* * *

(4) Intentionally deprive another of any right protected under the Constitution of Louisiana while acting under color of law.

* * *

Section 2. R.S. 40:2405(J)(1) and (2) are hereby amended and reenacted to read as follows:

1 §2405. Peace officer training requirements; reimbursement by peace officer

2 * * *

3 J.(1) Notwithstanding any provision of law to the contrary, the P.O.S.T.
4 certification of any qualified peace officer, whether employed full-time, part-time,
5 or reserve, shall be revoked upon the occurrence of any of the following conditions:

6 (a) A conviction of malfeasance in office.

7 (b) A conviction of an offense which results in the individual peace officer's
8 restriction of his constitutional right to bear arms.

9 **(c) There has been a criminal adjudication against the officer for**
10 **willfully depriving or conspiring to deprive another person of any right**
11 **protected by the constitution or laws of the United States while acting under**
12 **color of law.**

13 **(d) The officer has been terminated by his employing law enforcement**
14 **agency, or allowed to retire or resign, as a result of disciplinary action taken**
15 **against the officer for any conduct during the course and scope of employment**
16 **that would constitute an unauthorized use of force and the officer has exhausted**
17 **all administrative remedies.**

18 (2) The Council on Peace Officer Standards and Training may conduct a
19 revocation hearing to determine whether the P.O.S.T. certification of any qualified
20 peace officer, whether employed full-time, part-time, or reserve, shall be revoked if
21 any of the following conditions occur:

22 ~~(a) The officer has been involuntarily terminated by his employing law~~
23 ~~enforcement agency for disciplinary reasons involving an adjudication of civil rights~~
24 ~~violations and the officer has exhausted all administrative remedies.~~

25 ~~(b)~~ The officer has been convicted of a misdemeanor involving the crime of
26 domestic abuse battery as provided in R.S. 14:35.3 or a felony in any court of the
27 United States.

28 ~~(e)~~**(b)** The officer has failed to complete additional training as required and
29 prescribed by the council.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:2405(J)(1) and (2); adds R.S. 14:134(A)(4))