

2026 Regular Session

HOUSE BILL NO. 341

BY REPRESENTATIVE FREIBERG

LAW ENFORCEMENT: Provides for rights of law enforcement officers while under investigation

1 AN ACT

2 To amend and reenact R.S. 40:2531(A) and (B), relative to the rights of law enforcement
3 officers under investigation; to require the appointing authority to provide an
4 employee or officer under investigation with certain information; to provide for
5 notice; to provide for definitions; to provide for technical changes; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:2531(A) and (B) are hereby amended and reenacted to read as
9 follows:

10 §2531. Applicability; minimum standards during investigation; penalties for failure
11 to comply

12 A.(1) The provisions of this Chapter ~~shall~~ apply only to police employees as
13 defined by R.S. 40:1372(5), Louisiana P.O.S.T. certified probation and parole
14 officers employed by the Louisiana Department of Public Safety and Corrections,
15 division of probation and parole, and to those law enforcement officers employed by
16 any municipality and campus police employed at any state-supported college or
17 university who are under investigation with a view to possible disciplinary action,
18 demotion, or dismissal.

19 (2) Unless context otherwise requires, the following terms when used in this
20 Section have the following meanings:

1 (a) "Interrogation" includes but is not limited to any formal administrative
2 interview, inquiry, or questioning of any police employee by the appointing authority
3 or the appointing authority's designee regarding misconduct, allegations of
4 misconduct, or policy violations. An initial inquiry conducted by the police
5 employee's immediate supervisors shall not be considered an interrogation.

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

8 (1) Prior to commencing a formal administrative investigation of a police
9 employee or law enforcement officer, the appointing authority shall notify the
10 employee in writing of the nature of the investigation, of the identity and authority
11 of the person conducting such investigation, and of the specific charges or violations
12 being investigated.

13 ~~(1)~~(2) The police employee or law enforcement officer being investigated
14 shall be informed, at the commencement of interrogation, of the nature of the
15 investigation and the identity and authority of the person conducting such
16 investigation, and at the commencement of any interrogation, such officer shall be
17 informed as to the identity of all persons present during such interrogation. The
18 police employee or law enforcement officer shall be allowed to make notes.

19 ~~(2)~~(3) Any interrogation of a police employee or law enforcement officer in
20 connection with an investigation shall be for a reasonable period of time and shall
21 allow for reasonable periods for the rest and personal necessities of such police
22 employee or law enforcement officer.

23 ~~(3)~~(4) All interrogations of any police employee or law enforcement officer
24 in connection with the investigation shall be recorded in full. The police employee
25 or law enforcement officer shall not be prohibited from obtaining a copy of the
26 recording or transcript of the recording of his statements upon his written request.

27 ~~(4)~~(a)(5)(a) The police employee or law enforcement officer being
28 questioned, whether as a target or as a witness in an administrative investigation,

1 ~~shall have the right to~~ may be represented by counsel, other representative, or both,
2 of the police employee or law enforcement officer's choice.

3 (b)(i) Except as otherwise provided in this Subparagraph, the police
4 employee or law enforcement officer shall be granted up to fourteen days to secure
5 such representation, during which time all questioning shall be suspended.

6 (ii) If a police employee or law enforcement officer is involved in an officer-
7 involved incident, the police employee or law enforcement officer shall be granted
8 up to fourteen days to secure representation, during which time all questioning shall
9 be suspended. However, if the police employee or law enforcement officer is
10 confined to a medical facility due to injury or illness related to the officer-involved
11 incident, or otherwise incapacitated, the police employee or law enforcement officer
12 shall be granted up to thirty days to secure representation.

13 (iii) For purposes of this Subparagraph, "officer-involved incident" means
14 any incident in which serious bodily injury or death of another individual is caused
15 by any intentional or accidental use of a dangerous or deadly weapon by a police
16 employee or law enforcement officer which results from the efforts of a police
17 employee or law enforcement officer attempting to effectively arrest or otherwise
18 gain control of another or while in police custody.

19 (iv) For purposes of this Subparagraph, "serious bodily injury" means bodily
20 injury which involves unconsciousness, extreme physical pain, protracted or obvious
21 disfigurement, protracted loss or impairment of a bodily member, organ, or mental
22 faculty, or a substantial risk of death.

23 (c) The police employee or law enforcement officer's representative or
24 counsel shall be allowed to offer advice to the employee or officer and make
25 statements on the record regarding any question asked of the employee or officer at
26 any interrogation, interview, or hearing in the course of the investigation.

27 ~~(5)(6)~~ No statement made by the police employee or law enforcement officer
28 during the course of an administrative investigation ~~shall be~~ is admissible in a
29 criminal proceeding.

1 (7) When a formal, written complaint is made against any police employee
2 or law enforcement officer, the superintendent of state police or the chief of police
3 or his authorized representative shall initiate an investigation within fourteen days
4 of the date the complaint is made. Except as otherwise provided in this Paragraph,
5 each investigation of a police employee or law enforcement officer ~~which is~~
6 conducted ~~under~~ pursuant to the provisions of this Chapter shall be completed within
7 seventy-five days, inclusive of Saturdays, Sundays, and legal holidays. However,
8 in each municipality which is subject to a Municipal Fire and Police Civil Service
9 law, the municipal police department may petition the Municipal Fire and Police
10 Civil Service Board for an extension of the time within which to complete the
11 investigation. The board shall set the matter for hearing and shall provide notice of
12 the hearing to the police employee or law enforcement officer who is under
13 investigation. The police employee or law enforcement officer who is under
14 investigation ~~shall have the right to~~ may attend the hearing and ~~to~~ present evidence
15 and arguments against the extension. If the board finds that the municipal police
16 department has shown good cause for the granting of an extension of time within
17 which to complete the investigation, the board shall grant an extension of up to sixty
18 days. Nothing contained in this Paragraph shall be construed to prohibit the police
19 employee or law enforcement officer under investigation and the appointing
20 authority from entering into a written agreement extending the investigation for up
21 to an additional sixty days. The investigation shall be considered complete upon
22 notice to the police employee or law enforcement officer under investigation of a
23 ~~pre-disciplinary~~ predisciplinary hearing or a determination of an unfounded or
24 unsustained complaint. The notice may be given in writing or electronically. The
25 notice is considered received by the police employee or law enforcement officer
26 under investigation on the date sent, provided it is sent to the department email
27 address in the personnel file of the police employee or law enforcement officer. The
28 notice shall be considered received by the police employee or law enforcement
29 officer under investigation on the date received, provided it is sent to the home

1 address in the personnel file of the police employee or the law enforcement officer.

2 Nothing in this Paragraph shall limit any investigation of alleged criminal activity.

3 (8) In the case of a police employee who is a member of the State Police
4 Service as set forth in Article X, Section 41 of the Louisiana Constitution of 1974,
5 the appointing authority may petition the State Police Commission, or its executive
6 director, for an extension of the time within which to complete the investigation.
7 The State Police Commission, or its executive director, shall set the matter for
8 hearing and shall provide notice of the hearing to the police employee who is under
9 investigation. The police employee who is under investigation shall have the right
10 ~~to~~ may attend the hearing ~~and~~ to present evidence and arguments against the
11 extension. If the State Police Commission, or its executive director, finds that the
12 appointing authority has shown good cause for the granting of an extension of time
13 within which to complete the investigation, the State Police Commission, or its
14 executive director, shall grant an extension of up to sixty days. Nothing contained
15 in this Paragraph shall be construed to prohibit the police employee under
16 investigation and the appointing authority from entering into a written agreement
17 extending the investigation for up to an additional sixty days. The investigation shall
18 be considered complete upon determination of the appointing authority to institute
19 disciplinary action against the police employee or a determination of an unfounded
20 or unsustainable complaint. Nothing in this Paragraph shall limit any investigation of
21 alleged criminal activity.

22 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Abstract: Defines "interrogation" and requires the La. Dept. of Public Safety and Corrections to notify the officer being interrogated of the identity of the interrogator and the specific charges or violations being investigated.

Present law provides certain standards of investigating law enforcement officers and provides relative to the rights of such officers.

Proposed law retains present law and requires the agency conducting the investigation of an officer to notify the officer of the identity of the person conducting an interrogation, as well as the charges or violations being investigated.

Proposed law defines "interrogation" and makes technical changes.

(Amends R.S. 40:2531(A) and (B))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Make technical changes.