

Regular Session, 2014

HOUSE BILL NO. 1265 (Substitute for House Bill No. 438 by Representative Greene)

BY REPRESENTATIVE GREENE

LAW ENFORCE/OFFICERS: Provides for special officer's commissions for rail police officers

1 AN ACT

2 To enact R.S. 40:1379.1.2, relative to special officer's commissions; to provide for the  
3 issuance of a special officer commission to railroad police officers; to provide for the  
4 conditions relative to the term and effect of the commission; and to provide for  
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1379.1.2 is hereby enacted to read as follows:

8 §1379.1.2. Special officers commission; rail police officers

9 A. The superintendent of state police shall be authorized to issue at his  
10 discretion a special officer's commission from the division of state police to any  
11 person who is employed by a rail carrier as a rail police officer in accordance with  
12 49 U.S.C. 28101.

13 B. A rail police officer issued a special officer's commission shall maintain  
14 current certification pursuant to the Council on Peace Officer Standards and  
15 Training.

16 C. The superintendent of state police shall be authorized to perform any of  
17 the following acts:

18 (1) Determine eligibility to receive a special officer's commission.

19 (2) Revoke any special officer's commission for cause.

1           (3) Require those rail police officers holding special officer's commissions  
2           to furnish proof of being bonded.

3           (4) Require submission of any information that is deemed necessary for  
4           determining suitability for holding a special officer's commission.

5           D. A special officer's commission issued to a rail police officer pursuant to  
6           the provisions of this Section shall be in effect at all times and to the extent of the  
7           authority of a certified or commissioned police officer pursuant to the laws of this  
8           state for the purpose of enforcing the laws in any jurisdiction in which the rail carrier  
9           owns property and provides protection for the following:

10           (1) Employees, passengers, or patrons of the rail carrier.

11           (2) Property, equipment, and facilities owned, leased, operated, or  
12           maintained by the rail carrier.

13           (3) Property moving in interstate or foreign commerce in the possession of  
14           the rail carrier.

15           (4) Personnel, equipment, and material moving by rail that are vital to  
16           national defense.

17           E. Special officer commissions issued pursuant to the provisions of this  
18           Section shall be valid for a period of one year from the date of their issuance.

19           F. The Department of Public Safety and Corrections may promulgate and  
20           adopt regulations with respect to the issuance of the special officer's commissions  
21           for rail police officers.

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#### 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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Greene

HB No. 1265

**Abstract:** Authorizes the issuance of special officer's commissions for railroad police officers and provides for suitability requirements and duties.

Proposed law authorizes the superintendent of state police to issue at his discretion a special officer's commission to any person employed by a rail carrier as a rail police officer in accordance with federal law (49 U.S.C. 28101).

Proposed law requires the rail officer to maintain P.O.S.T. certification status.

Proposed law requires the superintendent to determine who can receive a special commission and further authorizes the superintendent to revoke the commission for cause and to furnish proof of being bonded, or any other information necessary to determine suitability.

Proposed law requires that the special officer's commission remain in effect at all times and have the same authority as a certified or commissioned police officer pursuant to the laws of the state for purposes of enforcement in any jurisdiction in which the rail carrier owns property and provides protection to any of the following:

- (1) Employees, passengers, or patrons of the rail carrier.
- (2) Property, equipment, and facilities owned, leased, operated, or maintained by the rail carrier.
- (3) Property moving in interstate or foreign commerce in the possession of the rail carrier.
- (4) Personnel, equipment, and material moving by rail that are vital to national defense.

Proposed law provides for the commission to be valid for one year from the date of issuance.

Proposed law authorizes the Dept. of Public Safety and Corrections to promulgate and adopt regulation relative to the issuance of the special officer commission.

(Adds R.S. 40:1379.1.2)