SLS 17RS-345 **ORIGINAL** 

2017 Regular Session

SENATE BILL NO. 74

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BY SENATOR MILKOVICH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LAW ENFORCEMENT. Provides and clarifies the rights of law enforcement officers while under investigation. (gov sig)

AN ACT

2	To amend and reenact R.S. 40:2531(B)(7), relative to law enforcement; to provide relative
3	to the rights of law enforcement officers while under investigation; to provide
4	relative to investigations of alleged criminal activity; and to provide for related
5	matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 40:2531(B)(7) is hereby amended and reenacted to read as follows:
8	§2531. Applicability; minimum standards during investigation; penalties for failure
9	to comply
10	* * *
11	B. Whenever a police employee or law enforcement officer is under
12	investigation, the following minimum standards shall apply:
13	* * *
14	(7) When a formal, written complaint is made against any police employee
15	or law enforcement officer, the superintendent of state police or the chief of police
16	or his authorized representative shall initiate an investigation within fourteen days
17	of the date the complaint is made. Except as otherwise provided in this Paragraph,

1 each investigation of a police employee or law enforcement officer which is 2 conducted under the provisions of this Chapter shall be completed within sixty days. 3 However, in each municipality which is subject to a Municipal Fire and Police Civil 4 Service law, the municipal police department may petition the Municipal Fire and 5 Police Civil Service Board for an extension of the time within which to complete the investigation. The board shall set the matter for hearing and shall provide notice of 6 7 the hearing to the police employee or law enforcement officer who is under 8 investigation. The police employee or law enforcement officer who is under 9 investigation shall have the right to attend the hearing and to present evidence and 10 arguments against the extension. If the board finds that the municipal police 11 department has shown good cause for the granting of an extension of time within 12 which to complete the investigation, the board shall grant an extension of up to sixty 13 days. Nothing contained in this Paragraph shall be construed to prohibit the police employee or law enforcement officer under investigation and the appointing 14 authority from entering into a written agreement extending the investigation for up 15 16 to an additional sixty days. The police employee or law enforcement officer shall be notified in writing of a pre-disciplinary hearing at least three days prior to 17 scheduling of the pre-disciplinary hearing. The investigation shall be considered 18 19 complete upon notice to the police employee or law enforcement officer under investigation conducting and completion of a pre-disciplinary hearing or a 20 determination of an unfounded or unsustained complaint. Nothing in this Paragraph 21 shall limit any investigation of alleged criminal activity. 22

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Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry J. Guillot.

## DIGEST 2017 Regular Session

Milkovich

Present law, relative to the rights of law enforcement officers while under investigation, provides that, as a minimum, when a formal, written complaint is made against any police employee or law enforcement officer, the superintendent of state police or the chief of police or his authorized representative shall initiate an investigation within 14 days of the date the complaint is made. Except as otherwise provided in present law, each such investigation shall be completed within 60 days. However, in each municipality which is subject to a Municipal Fire and Police Civil Service law, the municipal police department may petition the Municipal Fire and Police Civil Service Board for an extension of time within which to complete the investigation. The board shall set the matter for hearing and shall provide notice of the hearing to the police employee or law enforcement officer who is under investigation. The police employee or law enforcement officer who is under investigation shall have the right to attend the hearing and to present evidence and arguments against the extension. If the board finds that the municipal police department has shown good cause for the granting of an extension of time within which to complete the investigation, the board shall grant an extension of up to 60 days. Nothing contained in present law shall be construed to prohibit the police employee or law enforcement officer under investigation and the appointing authority from entering into a written agreement extending the investigation for up to an additional 60 days.

<u>Proposed law</u> requires that the police employee or law enforcement officer be notified in writing of a pre-disciplinary hearing at least three days prior to scheduling of the pre-disciplinary hearing. Otherwise retains present law.

<u>Present law</u> provides that the investigation shall be considered complete upon notice to the police employee or law enforcement officer under investigation of a pre-disciplinary hearing or a determination of an unfounded or unsustained complaint.

<u>Proposed law</u> provides that the investigation shall be considered complete upon conducting and completion of a pre-disciplinary hearing or a determination of an unfounded or unsustained complaint.

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

(Amends R.S. 40:2531(B)(7))

SB 74 Original