Regular Session, 2017

HOUSE BILL NO. 213

BY REPRESENTATIVE JIMMY HARRIS

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

LAW ENFORCE/OFFICERS: Provides relative to the Louisiana Uniform Law Enforcement Statewide Reporting Database

| 1 | AN ACT |
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| 2 | To amend and reenact R.S. 15:1212(B)(introductory paragraph) and (1) and (4), 1212.1(B), |
| 3 | and R.S. 44:3(A)(introductory paragraph) and 4.1(B)(8) and to enact R.S. |
| 4 | 15:1212.1(C), (D), and (E) and R.S. 44:4(54), relative to law enforcement |
| 5 | information; to provide relative to the Louisiana Commission on Law Enforcement |
| 6 | and the Administration of Criminal Justice and the Council on Peace Officers |
| 7 | Standards and Training; to provide for the Louisiana Uniform Law Enforcement |
| 8 | Statewide Reporting Database; to require the reporting of certain information by law |
| 9 | enforcement agencies and the P.O.S.T. council to the database; to provide for a |
| 10 | limitation of liability; to exempt disclosure of certain records and personal |
| 11 | information housed in the database's central depository; and to provide for related |
| 12 | matters. |
| 13 | Be it enacted by the Legislature of Louisiana: |
| 14 | Section 1. R.S. 15:1212(B)(introductory paragraph) and (1) and (4) and 1212.1(B) |
| 15 | are hereby amended and reenacted and R.S. 15:1212.1(C), (D), and (E) are hereby enacted |
| 16 | to read as follows: |
| 17 | §1212. Creation of database; functions |
| 18 | * * * |
| 19 | B. The commission shall be the central depository for all information |
| 20 | submitted for entry into the database by law enforcement agencies and the Council |
| | |

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

<u>on Peace Officer Standards and Training</u> and shall have the following functions,
powers, and duties:
(1) To establish, through electronic data processing and related procedures,

4 a database by which relevant information can be collected, coordinated, analyzed, 5 and made readily available to serve qualified law enforcement agencies concerned 6 with the hiring practices, P.O.S.T. certifications, disciplinary actions that result in 7 termination, resignations in lieu of termination, resignations pending an 8 investigation, final judgments in civil or criminal cases related to the course and 9 scope of employment as a law enforcement officer, and training of law enforcement 10 officers located anywhere in the state. The commission shall prescribe the terms and 11 conditions under which such agencies shall contribute or gain access to information 12 contained in the database files.

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14 (4) To prepare and distribute, to all such persons and agencies, forms to be 15 used in reporting data to the database. The forms shall provide for information 16 regarding the name of the law enforcement officer, the designated position, the status 17 of all P.O.S.T. certifications and decertifications related to training and qualifications, the hire date, the final disposition of all disciplinary actions that result 18 19 in termination, resignations in lieu of termination, resignations pending an 20 investigation, final judgments in civil or criminal cases related to the course and scope of employment as a law enforcement officer, and the date of separation from 21 22 service.

23 §1212.1. Report to the system; duties of persons and agencies

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B. Upon the request of the commission, all <u>All</u> law enforcement agencies
shall provide any other such assistance, information, and data which are reasonable
and available to enable the commission to properly carry out its powers and duties.
<u>C. Neither the Louisiana Commission on Law Enforcement and the</u>
<u>Administration of Criminal Justice nor any law enforcement agency, correctional</u>

| 1 | agency, or institution shall be held liable for the release or disclosure of information |
|----|--|
| 2 | as defined in R.S. 15:1212(B)(4). |
| 3 | D. Personal information including a peace officer's home address, home |
| 4 | telephone number, birth date, social security number, driver's license number, and |
| 5 | username for P.O.S.T. electronic data or training systems contained in the central |
| 6 | depository shall be confidential and exempted from disclosure under the provisions |
| 7 | <u>of R.S. 44:4(54).</u> |
| 8 | E. The provisions of Subsection D of this Section shall in no way restrict the |
| 9 | disclosure of any information requested by a law enforcement agency or restrict the |
| 10 | disclosure of information by the Council on Peace Officer Standards and Training |
| 11 | Council to its accredited training academies or other law enforcement agencies |
| 12 | including Councils on Peace Officer Standards and Training outside of the state. |
| 13 | Section 2. R.S. 44:3(A)(introductory paragraph) and 4.1(B)(8) are hereby amended |
| 14 | and reenacted and R.S. 44:4(54) is hereby enacted to read as follows: |
| 15 | §3. Records of prosecutive, investigative, and law enforcement agencies and |
| 16 | communications districts |
| 17 | A. Nothing in this Chapter shall be construed to require disclosures of |
| 18 | records, or the information contained therein, held by the offices of the attorney |
| 19 | general, district attorneys, sheriffs, police departments, Department of Public Safety |
| 20 | and Corrections, marshals, investigators, public health investigators, correctional |
| 21 | agencies, communications districts, intelligence agencies, Council on Peace Officer |
| 22 | Standards and Training, Louisiana Commission on Law Enforcement and |
| 23 | Administration of Criminal Justice, or publicly owned water districts of the state, |
| 24 | which records are: |
| 25 | * * * |
| 26 | §4. Applicability |
| 27 | This Chapter shall not apply: |
| 28 | * * * |
| 29 | (54) To the personal information of a peace officer as defined in R.S. |
| 30 | 15:1212.1 (D) in the custody of the Council on Peace Officer Standards and Training |

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| 1 | or the Louisiana Commission on Law Enforcement and the Administration of |
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| 2 | Criminal Justice. |
| 3 | §4.1. Exceptions |
| 4 | * * * |
| 5 | B. The legislature further recognizes that there exist exceptions, exemptions, |
| 6 | and limitations to the laws pertaining to public records throughout the revised |
| 7 | statutes and codes of this state. Therefore, the following exceptions, exemptions, and |
| 8 | limitations are hereby continued in effect by incorporation into this Chapter by |
| 9 | citation: |
| 10 | * * * |
| 11 | (8) R.S. 15:242, 440.6, 477.2, 549, 570(F), 574.12, 578.1, 616, 660, 840.1, |
| 12 | 1176, 1204.1, 1507, 1614 <u>, 1212.1(D)</u> |
| 13 | * * * |
| | |

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)]

| HB 213 Draft | Regular Session, 2017 | Jimmy Harris |
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Abstract: Requires certain information to be reported by law enforcement agencies and the Council on Peace Officer Standards and Training to the La. Uniform Law Enforcement Statewide Reporting Database, and provides that certain personal information is not subject to disclosure.

<u>Present law</u> creates the "La. Uniform Law Enforcement Statewide Reporting Database" (database) to be administered by the La. Commission on Law Enforcement and the Administration of Criminal Justice (commission) and authorizes the commission to appoint employees, agents, consultants, or special committees to manage the database.

<u>Present law</u> requires that the commission serve as the central depository for all information submitted for the database, and provides for the procedures, powers, and duties of the commission for the creation, operation, maintenance, and use or access to the database.

<u>Present law</u> requires the commission to prepare and distribute forms to all law enforcement agencies for reporting information regarding the name, position, certifications related to training and qualifications, and hire and separation from service dates for all law enforcement officers.

<u>Proposed law</u> retains <u>present law</u> and requires all law enforcement agencies and the Council on Peace Officer Standards and Training to report all P.O.S.T. certifications and decertifications, the final disposition of all disciplinary actions that result in termination, resignations in lieu of termination, resignations pending an investigation, and final

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judgments in civil or criminal cases related to the course and scope of employment as a law enforcement officer to the database for inclusion.

<u>Proposed law</u> limits the liability of the commission, P.O.S.T. Council, a law enforcement agency, correctional agency or institution for the release or reporting of information required in <u>proposed law</u>.

<u>Proposed law</u> exempts personal information of a law enforcement officer held in the database from disclosure by public records request.

(Amends R.S. 15:1212(B)(intro. para.) and (1) and (4), 1212.1(B), and R.S. 44:3(A)(intro. para.), 4.1(B)(8); Adds R.S. 15:1212.1(C), (D), and (E) and R.S. 44:4(54))