

SENATE BILL NO. 34

BY SENATORS FIELDS AND CARTER

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

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AN ACT

To enact Chapter 25-A of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2551 through 2553, and Code of Criminal Procedure Article 162.3, relative to law enforcement; to provide for body-worn cameras; to provide for motor vehicle dash cameras; to restrict use of neck restraints; to restrict the use of no-knock warrants; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 25-A of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2551 through 2553, is hereby enacted to read as follows:

CHAPTER 25-A. RESPONSIBILITIES OF LAW ENFORCEMENT

OFFICERS WHILE INTERACTING WITH THE PUBLIC

§2551. Use of body-worn cameras

No later than January 1, 2022, any law enforcement agency that utilizes body-worn cameras shall adopt a policy regarding the activation and deactivation of such cameras by the officer.

§2552. Use of motor vehicle dash cameras

No later than January 1, 2022, any law enforcement motor vehicle that is equipped with a dash camera that has the technology to automatically record upon the activation of the motor vehicle's police emergency lights shall utilize that technology.

§2553. Neck restraint prohibition

The use of choke holds and carotid holds are prohibited, except when the officer reasonably believes he or another person is at risk of great bodily harm or when deadly force is authorized.

Section 2. Code of Criminal Procedure Article 162.3 is hereby enacted to read as

1 follows:

2 Art. 162.3. No-knock warrant

3 A. No law enforcement officer shall seek, execute, or participate in the
4 execution of a no-knock warrant, except in cases where both of the following
5 apply:

6 (1) The affidavit supporting the request for the warrant establishes
7 probable cause that exigent circumstances exist requiring the warrant to be
8 executed in a no-knock manner. For purposes of this Subparagraph, exigent
9 circumstances shall include circumstances where the surprise of a no-knock
10 entry is necessary to protect life and limb of the law enforcement officers and
11 the occupants.

12 (2) The copy of the warrant being executed that is in the possession of
13 law enforcement officers to be delivered as provided in Paragraph C of this
14 Article includes the judge's signature.

15 B. A search warrant authorized under this Article shall require that a
16 law enforcement officer be recognizable and identifiable as a uniformed law
17 enforcement officer and provide audible notice of his authority and purpose
18 reasonably expected to be heard by occupants of such place to be searched prior
19 to the execution of such search warrant.

20 C. After entering and securing the place to be searched and prior to
21 undertaking any search or seizure pursuant to the search warrant, the
22 executing law enforcement officer shall read and give a copy of the search
23 warrant to the person to be searched or the owner of the place to be searched
24 or, if the owner is not present, to any occupant of the place to be searched. If the
25 place to be searched is unoccupied, the executing law enforcement officer shall
26 leave a copy of the search warrant suitably affixed to the place to be searched.

27 D. Search warrants authorized under this Article shall be executed only
28 from sunrise to sunset except in either of the following instances:

29 (1) A judge authorizes the execution of such search warrant at another
30 time for good cause shown.

1 (2) The search warrant is for the withdrawal of blood. A search warrant
2 for the withdrawal of blood may be executed at any time of day.

3 E. Any evidence obtained from a search warrant in violation of this
4 Article shall not be admitted into evidence for prosecution.

5 F. For purposes of this Article, "no-knock warrant" means a warrant
6 issued by a judge that allows law enforcement to enter a property without
7 immediate prior notification of the residents, such as by knocking or ringing a
8 doorbell.

9 G. For the purposes of this Article, only a district court judge may issue
10 a no-knock warrant.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____