## SLS 22RS-488

## ORIGINAL

2022 Regular Session

SENATE BILL NO. 182

BY SENATOR FIELDS

LAW ENFORCEMENT. Provides relative to revocation of P.O.S.T. certification. (gov sig)

1	AN ACT
2	To amend and reenact R.S. 40:2405(J)(1) and (2) and enact R.S. 14:134(A)(4), relative to
3	mandatory P.O.S.T. certification revocation; to provide relative to malfeasance in
4	office by public officers and employees; to provide additional conditions under
5	which a peace officer's P.O.S.T. certification will be revoked; and to provide for
6	related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 14:134(A)(4) is hereby enacted to read as follows:
9	§134. Malfeasance in office
10	A. Malfeasance in office is committed when any public officer or public
11	employee shall:
12	* * *
13	(4) Intentionally deprive another of any right protected under the
14	Constitution of Louisiana while acting under color of law.
15	* * *
16	Section 2. R.S. 40:2405(J)(1) and (2) are hereby amended and reenacted to read as
17	follows:

Page 1 of 4 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	§2405. Peace officer training requirements; reimbursement by peace officer
2	* * *
3	J.(1) Notwithstanding any provision of law to the contrary, the P.O.S.T.
4	certification of any qualified peace officer, whether employed full-time, part-time,
5	or reserve, shall be revoked upon the occurrence of any of the following conditions:
6	(a) A conviction of malfeasance in office.
7	(b) A conviction of an offense which results in the individual peace officer's
8	restriction of his constitutional right to bear arms.
9	(c) There has been a criminal adjudication against the officer for
10	willfully depriving or conspiring to deprive another person of any right
11	protected by the constitution or laws of the United States while acting under
12	<u>color of law.</u>
13	(d) The officer has been terminated by his employing law enforcement
14	agency, or allowed to retire or resign, as a result of disciplinary action taken
15	against the officer for any conduct during the course and scope of employment
16	that would constitute an unauthorized use of force and the officer has exhausted
17	all administrative remedies.
18	(2) The Council on Peace Officer Standards and Training may conduct a
19	revocation hearing to determine whether the P.O.S.T. certification of any qualified
20	peace officer, whether employed full-time, part-time, or reserve, shall be revoked if
21	any of the following conditions occur:
22	(a) The officer has been involuntarily terminated by his employing law
23	enforcement agency for disciplinary reasons involving an adjudication of civil rights
24	violations and the officer has exhausted all administrative remedies.
25	(b) The officer has been convicted of a misdemeanor involving the crime of
26	domestic abuse battery as provided in R.S. 14:35.3 or a felony in any court of the
27	United States.
28	(c)(b) The officer has failed to complete additional training as required and
29	prescribed by the council.

1	(d)(c) The officer voluntarily surrenders certification.
2	(e)(d) A judicial disposition in a criminal case results in revocation of
3	certification.
4	* * *
5	Section 3. This Act shall become effective upon signature by the governor or, if not
6	signed by the governor, upon expiration of the time for bills to become law without signature
7	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
8	vetoed by the governor and subsequently approved by the legislature, this Act shall become
9	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 Leonore Heavey.

## DIGEST

SB 182 Original

2022 Regular Session

Fields

Present law sets forth behavior by public officers and employees that is considered malfeasance in office.

Proposed law adds intentionally depriving another of any right protected under the Constitution of Louisiana while acting under color of law to the list of conduct that is malfeasance in office.

Present law provides for the mandatory removal of P.O.S.T. certification of any full-time, part-time, or reserve peace officer upon a conviction of malfeasance in office or conviction of an offense which results in the restriction of the officer's constitutional right to bear arms.

Proposed law retains present law mandatory P.O.S.T. certification revocation provisions and adds two additional mandatory revocation provisions:

- A criminal adjudication against the officer for willfully depriving or conspiring to (1)deprive another person of any right protected by the constitution or laws of the United States while acting under color of law.
- (2)The officer has been terminated by his employing law enforcement agency, or allowed to retire or resign, as a result of disciplinary action taken against the officer for any conduct during the course and scope of employment that would constitute an unauthorized use of force and the officer has exhausted all administrative remedies.

Present law allows the Council on Peace Officer Standards and Training to conduct a revocation hearing to determine if the officer's P.O.S.T. certification should be revoked under certain circumstances including when the officer has been involuntarily terminated by his employing law enforcement agency for disciplinary reasons involving an adjudication of civil rights violations.

Proposed law removes the officer's involuntary termination by his employing law enforcement agency for disciplinary reasons involving an adjudication of civil rights violations from the list of revocation offenses over which the Council on Peace Officer Standards and Training has discretion.

## Page 3 of 4

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SLS 22RS-488

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

(Amends R.S. 40:2405(J)(1) and (2); adds R.S. 14:134(A)(4))