

2022 Regular Session

SENATE BILL NO. 400

BY SENATORS FIELDS, BOUDREAUX, BOUIE, CORTEZ, FOIL, JACKSON,
LUNEAU, ROBERT MILLS, MIZELL, PRICE, SMITH, STINE,
TARVER AND WARD

STATE AGENCIES. Provides for the administration of the Department of Public Safety and Corrections, public safety services. (1/1/23)

1 AN ACT

2 To amend and reenact R.S. 3:2804, the introductory paragraph of 2805(A) and 2805(B), and

3 2815, R.S. 11:1302(A)(3), R.S. 17:3399.18(B)(9), R.S. 22:2171(C)(21), R.S.

4 27:11(D), R.S. 29:726.5(B)(5), R.S. 32:692(A)(2), and 863.2(F)(2), R.S. 36:3(4), the

5 introductory paragraph of 405(A)(1), and 405(A)(2) and (B), and 407(B) and (C),

6 R.S. 37:36(E)(1)(x), R.S. 40:1005(A)(8), 1312.27, 1379.1(A), (C), (D), (I), (J), (L),

7 and (M), 1379.1.2(A) and the introductory paragraph of (C), 1386, 1392(C)(2)(a),

8 2019(C)(4), and 2024.3(A)(7), R.S. 46:2166(A)(10), and R.S. 49:219.2(B)(1)(a)(iii),

9 219.5(B)(5), and 220.26(F), and to enact R.S. 36:407(D), relative to the Department

10 of Public Safety and Corrections, public safety services; to provide for the

11 appointment of the deputy secretary; to provide for the appointment of the

12 superintendent of state police; to provide for qualification of the superintendent; to

13 provide for definitions; to provide for the appointment of the deputy secretary to

14 various boards, commissions, task forces and advisory groups; and to provide for

15 related matters.

16 Be it enacted by the Legislature of Louisiana:

17 Section 1. R.S. 3:2804, the introductory paragraph of 2805(A) and 2805(B), and

1 2815 are hereby amended and reenacted to read as follows:

2 §2804. Impounding livestock found at large upon highways

3 A. The deputy secretary of **the** Department of Public Safety **and**
4 **Corrections, public safety services** shall, and all sheriffs, deputy sheriffs,
5 constables, and justices of the peace may, cause any livestock found at large upon
6 any highway of the state of Louisiana, as defined in R.S. 3:2803, to be taken into
7 custody and impounded. Any livestock so taken into custody shall be impounded in
8 the nearest official state police impoundment area. Any officer taking custody of and
9 impounding livestock shall immediately notify the deputy secretary ~~of Department~~
10 ~~of Public Safety~~ or his duly authorized representative in the parish in which the
11 livestock is impounded and shall, within twenty-four hours after such notification,
12 notify the owner or manager of such livestock, if known, personally or by leaving
13 written notice at his place of residence.

14 B. The owner or manager of livestock so impounded shall have the right to
15 secure his livestock upon the payment to the ~~superintendent of state police~~ **deputy**
16 **secretary, his authorized representative**, or officer impounding the livestock of an
17 impoundment fee of twenty dollars per head of livestock and a daily boarding fee of
18 ten dollars for each animal. He shall also pay to the officer impounding such
19 livestock the cost of any necessary veterinary and advertisement fees incurred.

20 C. The governor is authorized to establish, by executive order, in the
21 Department of Public Safety **and Corrections**, a suitable patrol force to enforce the
22 provisions of this Subpart. The members of the patrol shall be employees of the
23 Department of Public Safety **and Corrections**, and their salaries and expenses shall
24 be paid in the same manner as is provided for other employees.

25 D. The provisions of this Section and of R.S. 3:2805 and 2806 shall be
26 effective for any fiscal year or portion of a fiscal year only if sufficient funds have
27 been appropriated to the deputy secretary ~~of the Department of Public Safety and~~
28 ~~Corrections~~ for the purpose of enforcing those Sections for the fiscal year or the
29 portion of the fiscal year. If sufficient funds have not been appropriated the deputy

1 secretary shall provide written notice to the Senate and House Committees on
2 Transportation, Highways and Public Works.

3 §2805. Advertisement of impounding when owner is unknown

4 A. If the owner or manager of any livestock found at large on a public
5 highway is not known or if the owner or manager has no residence in the parish
6 where the livestock is impounded a statement shall be filed with the ~~superintendent~~
7 ~~of state police~~ **deputy secretary of the Department of Public Safety and**
8 **Corrections, public safety services** or his authorized representative in the parish in
9 which the livestock is impounded, setting forth:

10 * * *

11 B. The ~~superintendent of state police~~ **deputy secretary** or his **authorized**
12 representative shall then give notice by advertising in a newspaper of general
13 circulation within the parish setting forth the fact of the impoundment, a description
14 of the livestock, and that the owner or manager is unknown or, if known, that he
15 cannot be located. This advertisement shall notify any person claiming to be the
16 owner or manager of such livestock to appear before the ~~superintendent of state~~
17 ~~police~~ **deputy secretary** or his **authorized** representative at a place named and a
18 time not less than three days nor more than six days from the date of notice to prove
19 such claim of ownership or authority to manage. If the owner or manager appears
20 and proves to the satisfaction of the ~~superintendent of state police~~ **deputy secretary**
21 or his **authorized** representative that he is the owner or manager of the stock
22 impounded, the ~~superintendent of state police~~ **deputy secretary** or his **authorized**
23 representative shall require the owner or manager to pay the fee provided in R.S.
24 3:2804, the cost of feeding and caring for the stock at the rates hereinabove specified
25 in R.S. 3:2804, and the cost of advertisement.

26 * * *

27 §2815. Impoundment pens or areas

28 The State Department of Public Safety **and Corrections, public safety**
29 **services** shall designate and establish within each parish of the state, where

1 necessary, an impoundment pen or area which shall be maintained by the department
 2 or by a person designated by the ~~Superintendent of State Police~~ **deputy secretary**
 3 **of the Department of Public Safety and Corrections, public safety services** solely
 4 for the purpose of impounding and retaining within the parish all livestock, swine
 5 and other cattle or animals subject to impoundment under the laws of this state.
 6 Animals impounded under such laws shall be retained and cared for in said
 7 impoundment pens or areas until disposed of in the manner provided by law.

8 The ~~Superintendent of State Police~~ **deputy secretary or his authorized**
 9 **representative** is authorized to deputize or otherwise obtain the services of one
 10 farmer in each parish who shall be responsible for maintaining and caring for all
 11 animals impounded.

12 Section 2. R.S. 11:1302(A)(3) is hereby amended and reenacted to read as follows:

13 §1302. Creation and composition of board; powers; expenses of administration

14 A. The Louisiana State Police Retirement System Board is created and is
 15 composed of the following members:

16 * * *

17 (3) The ~~superintendent of the office of state police~~ **deputy secretary of the**
 18 **Department of Public Safety and Corrections, public safety services** or his
 19 designee.

20 * * *

21 Section 3. R.S. 17:3399.18(B)(9) is hereby amended and reenacted to read as
 22 follows:

23 §3399.18. Louisiana Power-Based Violence Review Panel

24 * * *

25 B. The panel shall be composed of the following members:

26 * * *

27 (9) The ~~superintendent of the Louisiana State Police~~ **deputy secretary of the**
 28 **Department of Public Safety and Corrections, public safety services** or his
 29 designee.

1 * * *
2 Section 4. R.S. 22:2171(C)(21) is hereby amended and reenacted to read as follows:

3 §2171. Louisiana Property and Casualty Insurance Commission

4 * * *

5 C. The commission shall consist of the following members:

6 * * *

7 (21) A representative of law enforcement or his designee, selected jointly by
8 ~~the superintendent of state police~~, the secretary of the Department of Public Safety
9 and Corrections, **the deputy secretary of the Department of Public Safety and**
10 **Corrections, public safety services or his authorized representative**, the president
11 of the Louisiana Association of Chiefs of Police, and the president of the Louisiana
12 Sheriffs' Association.

13 * * *

14 Section 5. R.S. 27:11(D) is hereby amended and reenacted to read as follows:

15 §11. Louisiana Gaming Control Board; creation; members; terms; meetings

16 * * *

17 D. The secretary of the Department of Revenue and ~~the superintendent of the~~
18 ~~office of state police~~ **the deputy secretary of the Department of Public Safety and**
19 **Corrections, public safety services** shall be ex officio members of the board. They
20 shall not be voting members nor shall they be counted or be permitted to be counted
21 for purposes of the number of members necessary to take board action or the number
22 of members necessary to establish a quorum. In all other respects they shall have all
23 the duties, authority, requirements, and benefits of any other board member. The
24 term limits provision of Subsection A of this Section shall not apply to the ex officio
25 board members.

26 * * *

27 Section 6. R.S. 29:726.5(B)(5) is hereby amended and reenacted to read as follows:

28 §726.5. Louisiana Commission on Nonprofit Safety and Security

29 * * *

1 B. The commission shall be comprised of the following members:

2 * * *

3 (5) The ~~superintendent of state police~~ **deputy secretary of the Department**
4 **of Public Safety and Corrections, public safety services,** or his designee.

5 * * *

6 Section 7. R.S. 32:692(A)(2) and 863.2(F)(2) are hereby amended and reenacted to
7 read as follows:

8 §692. Creation; membership; salary

9 A. The Louisiana Trucking Research and Education Council, hereinafter
10 referred to as the "council", is hereby created as a political subdivision of the state
11 with its domicile as Baton Rouge, Louisiana. The council is hereby declared to be
12 a body corporate and public and shall be composed of thirteen members to serve
13 terms concurrent with the governor as follows:

14 * * *

15 (2) The ~~superintendent of the Louisiana State Police~~ **deputy secretary of the**
16 **Department of Public Safety and Corrections, public safety services,** or his
17 designee.

18 * * *

19 §863.2. Notification of the cancellation or issuance of security; penalties; database
20 development

21 * * *

22 F.

* * *

23 (2) The criteria established by the secretary shall be developed only after
24 consulting with an advisory group consisting of the commissioner of insurance or his
25 designee, the ~~superintendent of state police~~ **deputy secretary of the Department of**
26 **Public Safety and Corrections, public safety services** or his designee, the
27 executive director of the Louisiana Highway Safety Commission or his designee, and
28 five additional members, one representing the American Insurance Association, one
29 representing the Property Casualty Insurance Association of America, one selected

1 from a list of names submitted by the three insurers with the largest market share of
 2 automobile insurance in Louisiana, one from the Louisiana Association of Fire and
 3 Casualty Companies, and one from the Louisiana Independent Agents Association.

4 * * *

5 Section 8. R.S. 36:3(4), the introductory paragraph of 405(A)(1), and 405(A)(2) and
 6 (B), and 407(B) and (C) is hereby amended and reenacted, and R.S. 36:407(D) is hereby
 7 enacted to read as follows:

8 §3. Definitions

9 For the purposes of this Title the following terms shall have the following
 10 meanings unless the context clearly indicates otherwise:

11 * * *

12 (4)(a) "Deputy secretary" means the officer authorized to be appointed by the
 13 secretary to serve as his principal administrative assistant. For the Department of
 14 Public Safety and Corrections, the "~~deputy secretary for public safety services~~" and
 15 the "deputy secretary for corrections services" shall be the ~~officers~~ **officer** of the
 16 department appointed by the secretary to serve as the principal administrative
 17 ~~assistants~~ **assistant** of the secretary and references in any provision of law to the
 18 deputy secretary, where reference is to a deputy secretary of the Department of
 19 Public Safety and Corrections **for corrections services**, shall include ~~these two~~
 20 ~~officers~~ **this officer**.

21 **(b) For the Department of Public Safety and Corrections, the "deputy**
 22 **secretary for public safety services" shall be the officer of the department**
 23 **appointed by the governor to serve as the principal administrative assistant of**
 24 **the secretary and references in any provision of law to the deputy secretary,**
 25 **where reference is to a deputy secretary of the Department of Public Safety and**
 26 **Corrections for public safety services, shall include this officer.**

27 * * *

28 §405. Deputy secretaries for public safety services, corrections services, and youth
 29 services

1 E.(1) This Chapter shall not apply to the following licensing entities:

2 * * *

3 (x) All offices, boards, or commissions under the supervision of the deputy
4 secretary of the Department of Public Safety and Corrections, public safety services;
5 ~~or the superintendent of the Louisiana State Police~~, which are not delineated in this
6 Section.

7 * * *

8 Section 10. R.S. 40:1005(A)(8), 1312.27, 1379.1(A), (C), (D), (I), (J), (L), and (M),
9 1379.1.2(A) and the introductory paragraph of (C), 1386, 1392(C)(2)(a), 2019(C)(4), and
10 2024.3(A)(7) are hereby amended and reenacted to read as follows:

11 §1005. Prescription monitoring program advisory council

12 A. The advisory council shall consist of the following members, each of
13 whom may appoint a designee:

14 * * *

15 (8) ~~The superintendent of the Louisiana State Police~~ **deputy secretary of the**
16 **Department of Public Safety and Corrections, public safety services.**

17 * * *

18 §1312.27. Designation of alternate

19 ~~The Superintendent of State Police~~ **deputy secretary of the Department of**
20 **Public Safety and Corrections, public safety services** is authorized to designate
21 an alternate to serve in his place and stead on the Southern State Police
22 Administrators Conference as permitted by R.S. 40:1312.5 and 1312.6. However, it
23 is the intention of the legislature that such ~~superintendent~~ **deputy secretary** shall
24 attend and participate in the work of the conference in person to the maximum extent
25 practicable.

26 * * *

27 §1379.1. Special officers; powers and duties; concealed handgun permit

28 A. ~~The superintendent of state police~~ **deputy secretary of the Department**
29 **of Public Safety and Corrections, public safety services or his authorized**

1 deputy secretary or his authorized representative. Special officer commissions
2 issued to judges shall be valid for the length of their term of office.

3 * * *

4 L. No provision of this Section or of any regulation of the superintendent of
5 state police or the deputy secretary of the Department of Public Safety and
6 Corrections, public safety services shall be construed to require persons holding
7 bona fide law enforcement officer commissions to possess a handgun permit.

8 M. Anyone in possession of a concealed handgun permit issued by the
9 superintendent deputy secretary or his authorized representative who uses a
10 handgun in a task not directly related to the stipulations set forth in the permit shall
11 be fined not more than five hundred dollars, or imprisoned for not more than six
12 months, or both.

13 * * *

14 §1379.1.2. Special officers commission; rail police officers

15 A. The ~~superintendent of state police~~ deputy secretary of the Department
16 of Public Safety and Corrections, public safety services or his authorized
17 representative shall be authorized to issue at his discretion a special officer's
18 commission from the division of state police to any person who is employed by a rail
19 carrier as a rail police officer in accordance with 49 U.S.C. §28101.

20 * * *

21 C. The ~~superintendent of state police~~ deputy secretary of the Department
22 of Public Safety and Corrections, public safety services or his authorized
23 representative shall be authorized to perform any of the following acts:

24 * * *

25 §1386. Industrial disputes

26 The police employees of the division shall not be used or called upon for
27 service within any municipality in any industrial dispute unless actual violence has
28 occurred therein or the threat of violence exists and then only by order of the
29 ~~superintendent of state police~~ deputy secretary of the Department of Public Safety

1 **and Corrections, public safety services or his authorized representative.** It shall
 2 be the duty of the ~~superintendent of state police~~ **deputy secretary or his authorized**
 3 **representative** to notify the chief executive officer of the municipality wherein the
 4 dispute has occurred or, if unavailable, the highest ranking municipal law
 5 enforcement official available, of the issuance of the order prior to the execution
 6 thereof. The provisions of this Section do not apply in the case of a municipality
 7 which has elected to operate under a contract pursuant to R.S. 40:1388.

* * *

9 §1392. Free and unhampered passage on bridges and ferries

* * *

11 C.

* * *

13 (2)(a) Upon the written request of the ~~superintendent of state police~~ **deputy**
 14 **secretary of the Department of Public Safety and Corrections, public safety**
 15 **services, his authorized representative,** or the head of a law enforcement agency
 16 and payment of the deposit required by Subparagraph (b) of this Paragraph, the
 17 Crescent City Connection Division of the Department of Transportation and
 18 Development shall issue the number of automatic vehicular identification toll tags
 19 requested for use in connection with the exemption granted by this Section.

* * *

21 §2019. Child death investigation

* * *

23 C. Child Death Review Panel. There is established within the Louisiana
 24 Department of Health the Louisiana State Child Death Review Panel, hereinafter
 25 referred to as the "state panel", which shall be composed of twenty-seven persons.
 26 Members of the panel shall include:

* * *

28 (4) The ~~superintendent of the office of state police~~ **deputy secretary of the**
 29 **Department of Public Safety and Corrections, public safety services** or his

1 designee.

2 * * *

3 §2024.3. Louisiana Domestic Abuse Fatality Review Panel; membership; chairman;
4 proxies

5 A. The legislature hereby establishes within the Louisiana Department of
6 Health a review panel which shall be designated as the "Louisiana Domestic Abuse
7 Fatality Review Panel", hereinafter referred to in this Part as "review panel". The
8 review panel shall be comprised of the following members:

9 * * *

10 (7) The ~~superintendent of state police~~ **deputy secretary of the Department**
11 **of Public Safety and Corrections, public safety services** or his designee.

12 * * *

13 Section 11. R.S. 46:2166(A)(10) is hereby amended and reenacted to read as follows:

14 §2166. Composition of the commission

15 A. The commission shall be composed of the following members:

16 * * *

17 (10) The ~~superintendent of the Louisiana State Police~~ **deputy secretary of**
18 **the Department of Public Safety and Corrections, public safety services** or his
19 designee.

20 * * *

21 Section 12. R.S. 49:219.2(B)(1)(a)(iii), 219.5(B)(5), and 220.26(F) are hereby
22 amended and reenacted to read as follows:

23 §219.2. Drug Policy Board; establishment; membership; selection; terms;
24 compensation; organization; domicile; procedure

25 * * *

26 B.(1) The board shall be composed of twenty-three members.

27 (a) Thirteen of the members shall be as follows:

28 * * *

29 (iii) The ~~superintendent of state police~~ **deputy secretary of the Department**

1 **of Public Safety and Corrections, public safety services** or his designee.

2 * * *

3 §219.5. Advisory Council on Heroin and Opioid Prevention and Education

4 * * *

5 B. The council shall consist of the following members:

6 * * *

7 (5) The ~~superintendent of state police~~ **deputy secretary of the Department**
8 **of Public Safety and Corrections, public safety services** or his designee.

9 * * *

10 §220.26. Reserve investigators

11 * * *

12 F. Upon the recommendation of the inspector general, each reserve
13 investigator shall be eligible to apply to the ~~superintendent of state police~~ **deputy**
14 **secretary of the Department of Public Safety and Corrections, public safety**
15 **services** for a special officer's commission ~~from the Louisiana Division of State~~
16 ~~Police~~ under the applicable provisions of R.S. 40:1379.1.

17 Section 13. This Act shall become effective on January 1, 2023; if vetoed by the
18 governor and subsequently approved by the legislature, this Act shall become effective on
19 the day following such approval by the legislature or January 1, 2023, whichever is later.

The original instrument was prepared by Alan Miller. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

DIGEST

SB 400 Reengrossed 2022 Regular Session Fields

Present law provides that the deputy secretary for the Department of Public Safety and Corrections (DPS&C), public safety services shall also serve as the superintendent of state police.

Present law provides that the deputy secretary for public safety services be appointed by and serve at the pleasure of the secretary of DPS&C.

Proposed law provides that the deputy secretary for public safety services be appointed by and serve at the pleasure of the governor.

Present law provides for assistant secretaries that serve under the deputy secretary for public safety services.

Proposed law categorizes the superintendent of state police as an assistant secretary within the DPS&C, public safety services.

Proposed law requires that the superintendent be appointed by the governor and be selected from the ranks of sworn, commissioned state police officers who have graduated from the state police training academy.

Proposed law provides that while serving as superintendent, the superintendent be unclassified and serve at the pleasure of the governor.

Proposed law changes membership to various boards, commissions, task forces, and advisory groups from the superintendent to deputy secretary for public safety services.

Proposed law adds duties relative to the highway safety corridor to the deputy secretary of DPS&C, public safety services and includes the deputy on the Safety Corridor Advisory Group.

Proposed law added the DPS&C, public safety services to requirements to provide management courses and skills to enhance the safety of the citizens of Louisiana and the enforcement of state laws.

Proposed law clarifies that the deputy secretary of DPS&C, public safety services is a member of the council on peace officer standards and training.

Proposed law provides a procedure for handling a formal, written complaint against any police employee or law enforcement officer.

Effective on January 1, 2023.

(Amends R.S. 3:2804, 2805(A)(intro para) and 2805(B), and 2815, R.S. 11:1302(A)(3), R.S. 17:3399.18(B)(9), R.S. 22:2171(C)(21), R.S. 27:11(D), R.S. 29:726.5(B)(5), R.S. 32:692(A)(2), and 863.2(F)(2), R.S. 36:3(4), 405(A)(1)(intro para), 405(A)(2) and (B), and 407(B) and (C), R.S. 37:36(E)(1)(x), R.S. 40:1005(A)(8), 1312.27, 1379.1(A), (C), (D), (I), (J), (L), and (M), 1379.1.2(A) and (C)(intro para), 1386, 1392(C)(2)(a), 2019(C)(4), 2024.3(A)(7), R.S. 46:2166(A)(10), and R.S. 49:219.2(B)(1)(a)(iii), 219.5(B)(5), and 220.26(F); adds R.S. 36:407(D))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Makes technical changes.

Senate Floor Amendments to engrossed bill

1. Removes provisions adding the highway safety corridor duties and membership on its advisory group for the deputy secretary of DPS&C, public safety services.
2. Removes provision requiring the deputy secretary of DPS&C, public safety services to provide management courses and skills to enhance the safety of the citizens of Louisiana and the enforcement of state laws.
3. Removes provisions relative to the deputy secretary of DPS&C, public safety services being a member of the council on peace officer standards and training.

4. Deletes provision relative to the procedure for handling a formal, written complaint against any police employee or law enforcement officer.
5. Changes the effective date from governor signature to Jan. 1, 2023.
6. Makes technical changes.