

Regular Session, 2014

SENATE BILL NO. 294

BY SENATOR MORRELL

LAW ENFORCEMENT. Provides relative to rights of law enforcement officers while under investigation. (8/1/14)

1 AN ACT

2 To amend and reenact R.S. 40:2531(A) and (B)(7), relative to law enforcement; to provide
3 relative to 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(A) and (B)(7) are hereby amended and reenacted to read as
8 follows:

9 §2531. Applicability; minimum standards during investigation; penalties for ~~F~~failure
10 to comply

11 A. The provisions of this Chapter shall apply only to police employees as
12 defined by R.S. 40:1372(5), Louisiana P.O.S.T. certified probation and parole
13 officers employed by the Louisiana Department of Public Safety and Corrections,
14 division of probation and parole, and to those law enforcement officers employed by
15 any municipality and campus police employed at any state-supported college or
16 university who are under investigation with a view to possible disciplinary action,
17 demotion, or dismissal. **Nothing in this Chapter shall apply to investigations of**

1 **alleged criminal activity nor shall the existence of any investigation of alleged**
2 **criminal activity in any way affect investigations subject to this Chapter.**

3 B. Whenever a police employee or law enforcement officer is under
4 investigation, the following minimum standards shall apply:

5 * * *

6 (7) When a formal and written complaint is made against any police
7 employee or law enforcement officer, the superintendent of state police or the chief
8 of police or his authorized representative shall initiate an investigation within
9 fourteen days of the date the complaint is made. Except as otherwise provided in this
10 Paragraph, each investigation of a police employee or law enforcement officer which
11 is conducted under the provisions of this Chapter shall be completed within sixty
12 days. However, in each municipality which is subject to a Municipal Fire and Police
13 Civil Service law, the municipal police department may petition the Municipal Fire
14 and Police Civil Service Board for an extension of the time within which to complete
15 the investigation. The board shall set the matter for hearing and shall provide notice
16 of the hearing to the police employee or law enforcement officer who is under
17 investigation. The police employee or law enforcement officer who is under
18 investigation shall have the right to attend the hearing and to present evidence and
19 arguments against the extension. If the board finds that the municipal police
20 department has shown good cause for the granting of an extension of time within
21 which to complete the investigation, the board shall grant an extension of up to sixty
22 days. Nothing contained in this Paragraph shall be construed to prohibit the police
23 employee or law enforcement officer under investigation and the appointing
24 authority from entering into a written agreement extending the investigation for up
25 to an additional sixty days. The investigation shall be considered complete upon
26 notice to the police employee or law enforcement officer under investigation of a
27 pre-disciplinary hearing or a determination of an unfounded or unsustained
28 complaint. ~~Further, nothing in this Paragraph shall limit any investigation of alleged~~
29 ~~criminal activity.~~

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cathy Wells.

DIGEST

Morrell (SB 294)

Present law provides for minimum standards which apply while certain law enforcement officers and police employees are under investigation.

Proposed law provides that present law shall not apply to investigations of alleged criminal activity nor shall the existence of any investigation of alleged criminal activity in any way affect investigations subject to present law.

Effective August 1, 2014.

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