

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)

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AN ACT

To amend and reenact R.S. 40:2531(B)(7), relative to law enforcement; to provide relative to rights of law enforcement officers while under investigation; to provide relative to investigations of alleged criminal activity; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2531(B)(7) is hereby amended and reenacted to read as follows:

§2531. Applicability; minimum standards during investigation; penalties for failure to comply

* * *

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

* * *

(7) When a formal ~~and written~~ complaint is made against any police employee or law enforcement officer, the superintendent of state police or the chief of police or his authorized representative shall initiate an investigation within fourteen days of the date the complaint is made. Except as otherwise provided in this Paragraph, each investigation of a police employee or law enforcement officer which

1 is conducted under the provisions of this Chapter shall be completed within sixty
2 days. However, in each municipality which is subject to a Municipal Fire and Police
3 Civil Service law, the municipal police department may petition the Municipal Fire
4 and Police Civil Service Board for an extension of the time within which to complete
5 the investigation. The board shall set the matter for hearing and shall provide notice
6 of the hearing to the police employee or law enforcement officer who is under
7 investigation. The police employee or law enforcement officer who is under
8 investigation shall have the right to attend the hearing and to present evidence and
9 arguments against the extension. If the board finds that the municipal police
10 department has shown good cause for the granting of an extension of time within
11 which to complete the investigation, the board shall grant an extension of up to sixty
12 days. Nothing contained in this Paragraph shall be construed to prohibit the police
13 employee or law enforcement officer under investigation and the appointing
14 authority from entering into a written agreement extending the investigation for up
15 to an additional sixty days. The investigation shall be considered complete upon
16 notice to the police employee or law enforcement officer under investigation of a
17 pre-disciplinary hearing or a determination of an unfounded or unsustained
18 complaint. ~~Further, nothing in this Paragraph shall limit any investigation of alleged~~
19 ~~criminal activity.~~

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The original instrument was prepared by Cathy R. Wells. The following digest, which does not constitute a part of the legislative instrument, was prepared by James Benton.

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 removes the requirement that the administrative complaint be in writing.

Proposed law provides that the administrative complaint procedure shall not limit any investigation of alleged criminal activity.

Effective August 1, 2014.

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

Summary of Amendments Adopted by Senate

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

1. Removes provisions regarding the applicability of statute.
2. Removes requirement that the complaint be in writing.