

2016 Regular Session

SENATE BILL NO. 287

BY SENATOR WARD

LAW ENFORCEMENT. Provides for the revocation of P.O.S.T. qualification for peace officers convicted of malfeasance in office (8/1/16)

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AN ACT

To enact R.S. 14:134(C)(3) and R.S. 40:2405(J), relative to peace officers; to provide for penalties; to provide for revocation of P.O.S.T. qualification; to provide for a conviction of malfeasance in office; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:134(C)(3) is hereby enacted to read as follows:

§134. Malfeasance in office

* * *

C.(1)

* * *

(3) If the individual convicted of the crime of malfeasance in office is a P.O.S.T. qualified full-time, part-time, or reserve peace officer, the P.O.S.T qualification of that peace officer shall be immediately revoked pursuant to R.S. 40:2405(J).

Section 2. R.S. 40:2405(J) is hereby enacted to read as follows:

§2405. Peace officer training requirements; reimbursement by peace officer

* * *

J. Notwithstanding any provision of law to the contrary, the P.O.S.T.

- 1 **qualification of any qualified peace officer, whether employed full-time, part-**
2 **time, or reserve, shall be immediately revoked upon a conviction of malfeasance**
3 **in office.**
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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Ashley E. Menou.

DIGEST

SB 287 Original

2016 Regular Session

Ward

Present law establishes the Council on Peace Officer Standards and Training and authorizes the Council to develop curriculum requirements for the training of peace officers and accredit law enforcement training centers. Present law further provides for the training requirements of peace officers.

Present law provides that malfeasance in office is committed when any public officer or public employee:

- (1) Intentionally refuses or fails to perform any duty lawfully required of him, as such officer or employee; or
- (2) Intentionally perform any such duty in an unlawful manner; or
- (3) Knowingly permit any other public officer or public employee, under his authority, to intentionally refuse or fail to perform any duty lawfully required of him, or to perform any such duty in an unlawful manner.

Proposed law provides for the immediate removal of the P.O.S.T. qualification of any full-time, part-time, or reserve peace officer upon a conviction of malfeasance in office.

Effective August 1, 2016.

(Adds R.S. 14:134(C)(3) and R.S.40:2405(J))