HOUSE COMMITTEE AMENDMENTS

2016 Regular Session

Substitute for Original House Bill No. 183 by Representative Hunter as proposed by the House Committee on Judiciary

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To amend and reenact R.S. 40:2531(B)(4)(c) and (C) and 2535 and to enact R.S. 40:2531(B)(4)(d), relative to law enforcement; to provide relative to police employees and law enforcement officers while under investigation; to provide relative to the investigations of officer-involved incidents; to provide for deadline to secure counsel in investigations of officer-involved incidents; to provide relative to penalties; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

(4)

Section 1. R.S. 40:2531(B)(4)(c) and (C) and 2535 are hereby amended and reenacted and R.S. 40:2531(B)(4)(d) is hereby enacted 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:

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* * *

(c)(i) Notwithstanding the provisions of Subparagraph (b) of this Paragraph, if the investigation is related to an officer-involved incident, the police employee or law enforcement officers shall be granted up to seventy-two hours to secure such representation and make a formal statement.

(ii) For purpose of this Subparagraph, "officer-involved incident" means any incident in which the death of another individual is caused by a police employee or law enforcement officer.

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(c)(d) The police employee or law enforcement officer's representative or counsel shall be allowed to offer advice to the employee or officer and make statements on the record regarding any question asked of the employee or officer at any interrogation, interview, or hearing in the course of the investigation.

* * *

C. There shall may be no discipline, demotion, dismissal, or adverse action of any sort taken against a police employee or law enforcement officer unless the investigation is conducted in accordance with the minimum standards provided for in this Section. Any discipline, demotion, dismissal, or adverse action of any sort whatsoever taken against a police employee or law enforcement officer without complete compliance with the foregoing minimum standards is an absolute nullity.

* * *

§2535. Retaliation for exercising rights

There shall <u>may</u> be no penalty nor threat of any penalty for the exercise by a law enforcement officer of his rights under this Chapter.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB Draft

2016 Regular Session

Abstract: Provides 72 hours for a police employee or law enforcement officer to secure representation and make a formal statement in investigations related to officer-involved incidents.

<u>Present law</u> provides that a police employee or law enforcement officer has up to 30 days to secure representation in certain investigations.

<u>Proposed law</u> retains <u>present law</u> but adds a provision granting police employees and law enforcement officers 72 hours to secure representation and to make a formal statement in investigations related to officer-involved incidents.

<u>Present law</u> provides that there <u>shall</u> be no discipline or adverse action taken against such police employee or law enforcement officer unless the investigation is conducted pursuant to <u>present law</u>.

<u>Proposed law</u> changes <u>present law</u> to provide that there <u>may</u> be no discipline or adverse action in such situations.

<u>Present law</u> provides that there <u>shall</u> be no penalty for a law enforcement officer who exercises his rights pursuant to <u>present law</u>.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

<u>Proposed law</u> changes <u>present law</u> to provide that there <u>may</u> be no such penalty.

(Amends R.S. 40:2531(B)(4)(c) and (C) and 2535; Adds R.S. 40:2531(B)(4)(d))