

2017 Regular Session

HOUSE BILL NO. 96

BY REPRESENTATIVE BACALA

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LAW ENFORCEMENT: Provides relative to polygraph examinations of law enforcement officers while under investigation

1 AN ACT

2 To enact R.S. 40:2531(B)(6), relative to the rights of law enforcement officers while under
3 investigation; to provide relative to polygraph examinations; and to provide for
4 related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:2531(B)(6) is hereby enacted to read as follows:

7 CHAPTER 25. RIGHTS OF LAW ENFORCEMENT OFFICERS

8 WHILE UNDER INVESTIGATION

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

11 * * *

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

14 * * *

15 (6) For purposes of this Section, a polygraph examination shall not constitute
16 an interrogation.

17 * * *

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 96 Original

2017 Regular Session

Bacala

Abstract: Provides that polygraph examinations do not constitute "interrogations" of law enforcement officers under investigation.

Present law provides for the rights of law enforcement officers during interrogation while under investigation.

Present law provides for the minimum standards of law enforcement officers whenever a police employee or law enforcement officer is under investigation including but not limited to the following:

- (1) At the commencement of an interrogation, a law enforcement officer shall be informed of the nature of the investigation, the identity and authority of the person conducting the investigation, and the identity of all persons present during the interrogation.
- (2) All interrogations of law enforcement officers shall be for a reasonable period of time and provide for reasonable periods of rest.
- (3) All interrogations of law enforcement officers shall be recorded in full and a transcript of the interrogation made available upon the officer's written request.
- (4) A law enforcement officer has up to 30 days to secure representation, during which time all questioning shall be suspended.

Proposed law provides that polygraph examinations are not "interrogations" for purposes of present law.

(Adds R.S. 40:2531(B)(6))