

2017 Regular Session

HOUSE BILL NO. 278

BY REPRESENTATIVE JAMES

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

LAW ENFORCEMENT: Provides relative to revocation of P.O.S.T. certification

1 AN ACT

2 To amend and reenact R.S. 40:2405(J), relative to peace officers; to provide for peace
3 officer certification; to provide for impediments to certification; to provide for
4 revocation of P.O.S.T. certification; to provide grounds and procedures for
5 revocation; to provide for revocation hearings; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:2405(J) is hereby amended and reenacted to read as follows:

8 §2405. Peace officer training requirements; reimbursement by peace officer

9 * * *

10 J.(1) Notwithstanding any provision of law to the contrary, the P.O.S.T.
11 certification of any qualified peace officer, whether employed full-time, part-time,
12 or reserve, shall be ~~immediately~~ revoked upon ~~a conviction of malfeasance in office.~~
13 the occurrence of any of the following conditions:

14 (a) A conviction of malfeasance in office.

15 (b) A conviction of any offense which results in the restriction of the
16 individual peace officer's constitutional right to bear arms.

17 (2) In all other instances, the Council on Peace Officer Standards and
18 Training may conduct a revocation hearing to determine whether the P.O.S.T.
19 certification of any qualified peace officer, whether employed full-time, part-time,
20 or reserve, shall be revoked if any of the following conditions apply:

1 (a) The officer was discharged by the officer's employing law enforcement
2 agency for disciplinary reasons.

3 (b) The officer was convicted of a misdemeanor involving domestic violence
4 or a felony in any court of the United States.

5 (c) The officer fails to complete additional training as required and
6 prescribed by the council.

7 (d) The officer voluntarily surrenders certification or a judicial disposition
8 in a criminal case that results in revocation.

9 (3) All hearings conducted by the council and all appeals by an officer whose
10 certification has been revoked shall be conducted according to rules promulgated by
11 the council.

12 (4) The council shall promulgate rules in accordance with the Administrative
13 Procedure Act no later than January 1, 2018, subject to the oversight of the House
14 Judiciary Committee and the Senate Committee on Judiciary B, to provide
15 procedures governing revocation hearings.

16 (5) Any peace officer whose certification has been denied or revoked by the
17 council may file an appeal under the provisions of the Administrative Procedure Act
18 provided in R.S. 49:964.

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 278 Original

2017 Regular Session

James

Abstract: Provides for the revocation of P.O.S.T. certification for peace officers upon certain conditions, and provides for revocation hearings and appeals.

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 for peace officers.

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

Proposed law retains present law and adds the conviction of any offense that results in the restriction of a peace officer's right to bear arms for the revocation of P.O.S.T. certification.

Proposed law allows the council to conduct a revocation hearing to revoke P.O.S.T. certification when a peace officer:

- (1) Is discharged by a law enforcement agency for disciplinary reasons.
- (2) Is convicted of a misdemeanor involving domestic violence or a felony in any court in any state, territory, or country.
- (3) Fails to complete additional training requirements as required and prescribed by the council.
- (4) Voluntarily surrenders his P.O.S.T. certification or a judicial disposition in a criminal case that results in revocation.

Proposed law authorizes the council to promulgate rules governing revocation hearings in accordance with the provisions of the Administrative Procedure Act.

(Amends R.S. 40:2405(J))