
DIGEST

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HB 276 Draft

2017 Regular Session

James

Abstract: Allows law enforcement officers to secure counsel within 14 days of an officer-involved incident investigation and requires administrative leave with pay for up to 60 days for law enforcement officers and administrative leave without pay for the pendency of an officer-involved incident investigation that results in the death of an individual.

Present law requires compliance with the existing minimum standards whenever a law enforcement officer is under investigation.

Present law gives law enforcement officers the right to obtain counsel and allows up to 30 days for a law enforcement officer to secure such representation.

Proposed law retains present law but makes an exception for officer-involved incidents by granting law enforcement officers up to 14 days to secure representation for officer-involved incident investigations.

Present law further provides that any discipline, demotion, dismissal, or adverse action taken against a law enforcement officer without compliance with minimum standards is an absolute nullity.

Proposed law retains present law and requires that when an officer-involved incident results in the death of an individual, a law enforcement officer under investigation for involvement in an officer-involved incident be placed on administrative leave without pay for no more than 60 days during the pendency of the officer-involved incident investigation.

Proposed law further provides that after 60 days of administrative leave with pay, a law enforcement officer shall be placed on administrative leave without pay for the remainder of the officer-involved incident investigation. Proposed law further provides that if the law enforcement officer is later exonerated or no criminal charges are brought, the officer shall receive his full pay from the date he was placed on administrative leave without pay.

(Amends 40:2531(B)(4)(b) and (C) and Adds 40:2407, 2408, 2409, and 2531(B)(6))