2021 Regular Session

HOUSE BILL NO. 430

BY REPRESENTATIVE JAMES

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

LAW ENFORCE/OFFICERS: Provides relative to the officer's bill of rights

1   AN ACT

2   To amend and reenact R.S. 40:2531(B)(4)(b)(i) and (ii) and (7) and to enact R.S.

3   40:2533(D), relative to time periods for officer disciplinary matters; to provide for

4   time limits relative to officer representation; to provide for time limits relative to

5   length of investigation of an officer; to provide for time limits relative to officer

6   personnel files; and to provide for related matters.

7   Be it enacted by the Legislature of Louisiana:

8   Section 1. R.S. 40:2531(B)(4)(b)(i) and (ii) and (7) are hereby amended and

9   reenacted and R.S. 40:2533(D) is hereby enacted to read as follows:

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

11   to comply

12   *   *   *

13   B.   Whenever a police employee or law enforcement officer is under

14   investigation, the following minimum standards shall apply:

15   *   *   *

16   (4)

17   *   *   *

18   (b)(i)   Except as otherwise provided in this Subparagraph, the police

19   employee or law enforcement officer shall be granted up to ~~thirty~~ fourteen days to

20   secure such representation, during which time all questioning shall be suspended.

21   (ii)   If a police employee or law enforcement officer is involved in an

22   officer-involved incident, the police employee or law enforcement officer shall be

1   granted up to fourteen days to secure representation, during which time all

2   questioning shall be suspended. However, if the police employee or law enforcement

3   officer is confined to a medical facility, or otherwise incapacitated, due to injury or

4   illness related to the officer-involved incident, or if two or more police employees

5   or law enforcement officers are involved in the officer-involved incident, the police

6   employees or law enforcement officers shall be granted up to thirty days to secure

7   representation.

8   *   *   *

9   (7) When a formal, written complaint is made against any police employee

10   or law enforcement officer, the superintendent of state police or the chief of police

11   or his authorized representative shall initiate an investigation within fourteen days

12   of the date the complaint is made. Except as otherwise provided in this Paragraph,

13   each investigation of a police employee or law enforcement officer which is

14   conducted under the provisions of this Chapter shall be completed within sixty

15   seventy-five days, inclusive of Saturdays, Sundays, and legal holidays. However,

16   in each municipality which is subject to a Municipal Fire and Police Civil Service

17   law, the municipal police department may petition the Municipal Fire and Police

18   Civil Service Board for an extension of the time within which to complete the

19   investigation. The board shall set the matter for hearing and shall provide notice of

20   the hearing to the police employee or law enforcement officer who is under

21   investigation. The police employee or law enforcement officer who is under

22   investigation shall have the right to attend the hearing and to present evidence and

23   arguments against the extension. If the board finds that the municipal police

24   department has shown good cause for the granting of an extension of time within

25   which to complete the investigation, the board shall grant an extension of up to sixty

26   days. Nothing contained in this Paragraph shall be construed to prohibit the police

27   employee or law enforcement officer under investigation and the appointing

28   authority from entering into a written agreement extending the investigation for up

29   to an additional sixty days. The investigation shall be considered complete upon

1   notice to the police employee or law enforcement officer under investigation of a

2   pre-disciplinary hearing or a determination of an unfounded or unsustained

3   complaint. The notice may be given orally, in writing, or electronically. The notice

4   is considered received by the police employee or law enforcement officer under

5   investigation on the date sent, provided it is sent to the department email address or

6   home address in the personnel file of the police employee or law enforcement

7   officer. Nothing in this Paragraph shall limit any investigation of alleged criminal

8   activity.

9   *   *   *

10   §2533. Personnel files

11   *   *   *

12   D. Sustained complaints of the law enforcement officer shall remain in the

13   officer's personnel file for a period of at least ten years.

DIGEST

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Abstract: Reduces the time for an officer to secure representation, extends the time period
for the investigation of an officer, and provides for the time period sustained
complaints remain in an officer's file.

Present law sets the time period for an officer to secure representation at 30 days.

Proposed law changes the time period for an officer to secure representation from 30 days
to 14 days.

Present law sets the time period for an investigation of an officer at 60 days.

Proposed law extends the time period for an investigation of an officer from 60 days to 70
days, inclusive of weekends and holidays.

Proposed law requires that notice be given to an officer orally, in writing, or electronically,
and that notice be considered received once sent.

Proposed law requires that sustained complaints regarding an officer remain in the officer's
file for at least 10 years.

(Amends R.S. 40:2531(B)(4)(b)(i) and (ii) and (7); Adds R.S. 40:2533(D))