

2021 Regular Session

HOUSE BILL NO. 430

BY REPRESENTATIVES JAMES, BRASS, BRYANT, ROBBY CARTER, DUPLESSIS, GLOVER, GREEN, HUGHES, JEFFERSON, JENKINS, JONES, JORDAN, LARVADAIN, LYONS, MARCELLE, NEWELL, PIERRE, AND SELDERS AND SENATORS BARROW, BOUDREAUX, BOUIE, FIELDS, HARRIS, JACKSON, PETERSON, PRICE, SMITH, AND TARVER

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 due to injury or illness related to the
 4 officer-involved incident, ~~or if two or more police employees or law enforcement~~
 5 ~~officers are involved in the officer-involved incident, or otherwise incapacitated,~~ the
 6 police ~~employees~~ employee or law enforcement ~~officers~~ officer shall be granted up
 7 to thirty days to secure 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
 30 notice to the police employee or law enforcement officer under investigation of a

1 pre-disciplinary hearing or a determination of an unfounded or unsustained
 2 complaint. The notice may be given in writing or electronically. The notice is
 3 considered received by the police employee or law enforcement officer under
 4 investigation on the date sent, provided it is sent to the department email address in
 5 the personnel file of the police employee or law enforcement officer. The notice
 6 shall be considered received by the police employee or law enforcement officer
 7 under investigation on the date received, provided it is sent to the home address in
 8 the personnel file of the police employee or the law enforcement officer. Nothing
 9 in this Paragraph shall limit any investigation of alleged criminal activity.

10 * * *

11 §2533. Personnel files

12 * * *

13 D. Sustained complaints against the law enforcement officer shall remain in
 14 the officer's personnel file for a period of at least ten years, but only after the officer
 15 has exhausted all administrative appeals to which he is entitled.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____