The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Leonore Heavey.

## DIGEST 2022 Regular Session

SB 182 Original

Fields

<u>Present law</u> sets forth behavior by public officers and employees that is considered malfeasance in office.

<u>Proposed law</u> adds intentionally depriving another of any right protected under the Constitution of Louisiana while acting under color of law to the list of conduct that is malfeasance in office.

<u>Present law</u> provides for the mandatory removal of P.O.S.T. certification of any full-time, part-time, or reserve peace officer upon a conviction of malfeasance in office or conviction of an offense which results in the restriction of the officer's constitutional right to bear arms.

<u>Proposed law</u> retains <u>present law</u> mandatory P.O.S.T. certification revocation provisions and adds two additional mandatory revocation provisions:

- (1) A criminal adjudication against the officer for willfully depriving or conspiring to deprive another person of any right protected by the constitution or laws of the United States while acting under color of law.
- (2) The officer has been terminated by his employing law enforcement agency, or allowed to retire or resign, as a result of disciplinary action taken against the officer for any conduct during the course and scope of employment that would constitute an unauthorized use of force and the officer has exhausted all administrative remedies.

<u>Present law</u> allows the Council on Peace Officer Standards and Training to conduct a revocation hearing to determine if the officer's P.O.S.T. certification should be revoked under certain circumstances including when the officer has been involuntarily terminated by his employing law enforcement agency for disciplinary reasons involving an adjudication of civil rights violations.

<u>Proposed law</u> removes the officer's involuntary termination by his employing law enforcement agency for disciplinary reasons involving an adjudication of civil rights violations from the list of revocation offenses over which the Council on Peace Officer Standards and Training has discretion.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:2405(J)(1) and (2); adds R.S. 14:134(A)(4))