

2022 Regular Session

HOUSE BILL NO. 745

BY REPRESENTATIVE GREEN

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

1 AN ACT

2 To amend and reenact R.S. 40:2533(D), to enact R.S. 40:2537, and to repeal R.S.  
3 40:2531(C), relative to officer disciplinary matters; to provide for the time sustained  
4 complaints remain in officer personnel files; to provide for public records requests  
5 relative to officer personnel files; to provide for whistleblower protection; and to  
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:2533(D) is hereby amended and reenacted and R.S. 40:2537 is  
9 hereby enacted to read as follows:

10 §2533. Personnel files

11 \* \* \*

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

16 \* \* \*

17 §2537. Whistleblower protection and cause of action

18 A. No police employee shall be discharged, demoted, suspended, threatened,  
19 harassed, or discriminated against in any manner in the terms and conditions of his  
20 employment because of any lawful act engaged in by the employee or on behalf of  
21 the employee in furtherance of any action taken to report malfeasance in office by

1        police employees to law enforcement, whether such fellow employee is a co-worker,  
2        supervisor or subordinate.

3                B.(1) A police employee may bring an action for relief against his employer,  
4        in a court of competent jurisdiction, for damages associated with any action taken  
5        by the employee which is in furtherance of reporting malfeasance in office.

6                (2) A person aggrieved of a violation of Subsection A of this Section shall  
7        be entitled to treble damages plus court costs and reasonable attorney fees.

8                C. A plaintiff shall not be entitled to recovery pursuant to this Section if the  
9        court finds that the plaintiff instituted or proceeded with an action that was frivolous,  
10        vexatious, or harassing.

11        Section 2. R.S. 40:2531(C) is hereby repealed in its entirety.

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 745 Original

2022 Regular Session

Green

**Abstract:** Requires sustained complaints to remain in an officer's personnel file, subjects officer personnel files with sustained complaints to public records requests, and provides for whistleblower protection.

Present law provides that sustained complaints of a law enforcement officer shall remain in the officer's personnel file for a period of at least 10 years, but only after the officer has exhausted all administrative appeals to which he is entitled.

Proposed law amends present law to provide that sustained complaints shall remain in an officer's personnel file permanently and subjects officer personnel files containing sustained complaints to public records requests.

Proposed law provides that no police employee shall be discharged, demoted, suspended, threatened, harassed, or discriminated against in any manner in the terms and conditions of his employment because of any lawful act engaged in by the employee or on behalf of the employee in furtherance of any action taken to report malfeasance in office by police employees to law enforcement, whether such fellow employee is a co-worker, supervisor or subordinate.

Proposed law provides that a police employee may bring action for relief against his employer, in a court of competent jurisdiction, for damages associated with any action taken by the employee which is in furtherance of reporting malfeasance in office.

Proposed law provides that a person aggrieved of a violation of proposed law shall be entitled to treble damages plus court costs and reasonable attorney fees.

Proposed law provides that a plaintiff shall not be entitled to recovery pursuant to proposed law if the court finds that the plaintiff instituted or proceeded with an action that was frivolous, vexatious, or harassing.

Present law (R.S. 40:2531(C)) provides that there shall be no discipline, demotion, dismissal, or adverse action of any sort taken against a police employee or law enforcement officer unless the investigation is conducted in accordance with the minimum standards provided by present law. Provides that any discipline, demotion, dismissal, or adverse action of any sort whatsoever taken against a police employee or law enforcement officer without complete compliance with the foregoing minimum standards is an absolute nullity.

Proposed law repeals present law.

(Amends R.S. 40:2533(D); Adds R.S. 40:2537; Repeals R.S. 40:2531(C))