

2022 Regular Session

HOUSE BILL NO. 922

BY REPRESENTATIVE MARCELLE

POLICE/STATE: Provides for the collection and reporting of data

1 AN ACT

2 To amend and reenact R.S. 15:1204.2(A) and (B)(1) and (8)(c), 1204.5, 1212(B)(4) and  
3 1212.1(F) and to enact R.S. 15:1204.2(B)(8)(d) and R.S. 40:2903 through 2912, and  
4 to repeal R.S. 32:398.10, relative to law enforcement; to provide for the data  
5 collection by law enforcement agencies; to provide relative to data regarding peace  
6 officers, individuals, and certain incidents; to provide for specific information to be  
7 collected and submitted; to provide for duties of law enforcement agencies; to  
8 provide for duties of the Louisiana Commission on Law Enforcement and the  
9 Administration of Criminal Justice; to provide for applicability; to provide relative  
10 to compliance and noncompliance; to provide for penalties; to provide relative to  
11 agency accreditation; to provide for definitions; to provide relative to racial profiling;  
12 and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 40:2903 through 2912 are hereby enacted to read as follows:

15 §2903. Definitions

16 As used in this Chapter, the following terms shall have the meanings ascribed  
17 to them in this Section, unless the context clearly indicates otherwise:

18 (1) "Bicycle" means any device upon which a person may ride, propelled  
19 exclusively by human power, and having one or more wheels.

1           (2) "Bicycle stop" means any detention of a bicycle rider initiated by a peace  
2           officer.

3           (3) "Clearance rate" means the percentage of offenses that a law enforcement  
4           agency closes by arrest or by exceptional means. If the agency closes the offense  
5           "by arrest", this means that at least one person has been arrested, charged with the  
6           commission of the offense, and turned over to a court for prosecution. One arrest  
7           may result in several offenses cleared, or the arrest of several people may result in  
8           only one offense cleared. If the agency closes the offense by "exceptional means",  
9           this means that the agency has identified a suspect, gathered enough evidence to  
10           support an arrest or a charge and to turn over the suspect to a court for prosecution,  
11           identified the suspect's exact location so that the suspect could be taken into custody,  
12           and encountered a circumstance outside the control of the agency that prohibits the  
13           agency from arresting the suspect.

14           (4) "Commission" means the Louisiana Commission on Law Enforcement  
15           and the Administration of Criminal Justice.

16           (5) "Contraband" includes any controlled dangerous substance, illegal  
17           firearm, or illegally possessed firearm.

18           (6) "Veteran" means an honorably or generally discharged member of the  
19           United States Armed Forces or organized militia of the several states and territories,  
20           including but not limited to a member of the Army, Navy, Air Force, Marine Corps,  
21           Coast Guard, National Guard, Air National Guard, Reserves, State Guard, or a  
22           commissioned officer of the Public Health Service, Environmental Science Services  
23           Administration, or National Oceanic and Atmospheric Administration, or its  
24           predecessor, the United States Coast and Geodetic Survey.

25           (7) "Law enforcement agency" means any state or local law enforcement  
26           agency.

27           (8) "Limited English proficient individual" means a person with limited  
28           English language proficiency.

1           (9) "Motor vehicle" means any vehicle which is self-propelled, and any  
2           vehicle which is propelled by electric power obtained from overhead trolley wires,  
3           but not operated upon rails, but excluding a motorized bicycles. "Motor vehicle"  
4           shall also include a "low-speed vehicle" which is a four-wheeled electric-powered  
5           vehicle with a maximum speed of not less than twenty miles per hour but not more  
6           than twenty-five miles per hour and is equipped with the minimum motor vehicle  
7           equipment appropriate for vehicle safety as required in 49 C.F.R. 571.500. This  
8           includes automobiles, trucks, truck-tractors, trailers, semitrailers, and motorcycles,  
9           propelled by steam, gasoline, electricity, or any other source of energy other than  
10           muscular power, except farm implements temporarily operated or moved on a  
11           highway or vehicles operated only on rails or tracks thereafter.

12           (10) "No-knock search warrant" means a search warrant that authorizes the  
13           peace officers executing the warrant to enter a dwelling or another building without  
14           knocking on the door of the entrance to the dwelling or building and announcing  
15           their presence.

16           (11) "Peace officer" has the same meaning as provided in R.S. 40:2402.

17           (12) "Pedestrian stop" means any detention of a pedestrian initiated by a  
18           peace officer. The term does not apply to instances in which a peace officer detains  
19           and frisks a person at the entrance or exit to a controlled area.

20           (13) "Serious bodily injury" means bodily injury that involves  
21           unconsciousness, extreme physical pain, or protracted and obvious disfigurement,  
22           or protracted loss or impairment of the function of a bodily member, organ, or  
23           mental faculty, death, or a substantial risk of death.

24           (14) "Special weapons and tactics team" or "S.W.A.T." means a unit within  
25           a law enforcement agency that is trained to deal with situations of unusual danger,  
26           especially when requiring aggressive tactics or enhanced firepower.

27           (15) "Traffic stop" means any detention of the occupants of a motor vehicle  
28           initiated by a peace officer. The term does not apply to instances in which peace  
29           officers respond to traffic accidents.

1           (16) "Use of force" means any physical effort to compel compliance by an  
2           unwilling person, except for hand control techniques applied for the purposes of  
3           handcuffing an unresisting person and escort techniques not used as pressure point  
4           compliance techniques or to overcome resistance. A use of force shall include, but  
5           shall not be limited to: pointing a firearm at a person, discharge of a firearm, a  
6           canine bite, pressure point compliance techniques, or joint-manipulation techniques,  
7           wristlocks, armbars, leg sweeps, weaponless-defense techniques, and takedowns,  
8           discharge of a device containing oleoresin capsicum or a similar irritant, discharge  
9           of a conducted-energy weapon, chokeholds, and strikes, blows, and kicks.

10           §2904. Collection of data on traffic stops

11           A. Not later than April first of each year, all law enforcement agencies  
12           subject to the requirements of this Chapter shall submit to the commission data on  
13           all traffic stops conducted by that agency's peace officer during the preceding  
14           calendar year.

15           B. The submission required pursuant to Subsection A of this Section shall  
16           include, at a minimum, the following information for each traffic stop:

17           (1) The date, time, location, and duration of the stop. The location shall be  
18           provided using the agency's district, zone, and sub-zone designations, and if possible,  
19           using latitude and longitude coordinates.

20           (2) The make, model, and year of the vehicle that is stopped.

21           (3) The reason for the stop, including the alleged violation of a state or local  
22           motor vehicle law, if applicable.

23           (4) The result of the stop, including whether the stop resulted in any of the  
24           following:

25           (a) A verbal or written warning.

26           (b) A ticket or citation along with a reference to the statute or ordinance that  
27           was violated or cited, and the amount owed, if possible.

28           (c) A summons along with a reference to the statute or ordinance that was  
29           violated or cited.

1           (d) A property seizure or forfeiture and a description of the property seized.

2           (e) An arrest along with a reference to the statute or ordinance that was  
3 violated or cited.

4           (5) The following characteristics of the driver, and if the peace officer  
5 arrests, searches, or seizes property from any passenger, the following characteristics  
6 of each such passenger:

7           (a)(i) The sex, age, and state of residence of the vehicle occupant, provided  
8 the identification of these characteristics shall be based on the form of government-  
9 issued identification the person has in his possession, or if the vehicle occupant is not  
10 carrying government-issued identification, the identification of these characteristics  
11 shall be based on the observation and perception of the peace officer.

12           (ii) The peace officer shall not request this information from the vehicle  
13 occupant, but may only request the occupant present his government-issued  
14 identification.

15           (b)(i) The race of the vehicle occupant, as determined by the peace officer  
16 based upon the observation and perception of the officer. The peace officer shall  
17 record the race and ethnicity of the vehicle occupant as one of the following:  
18 American Indian or Alaska Native, Asian, Black or African-American, Hispanic or  
19 Latino, Native Hawaiian or Other Pacific Islander, White, or two or more races.

20           (ii) The peace officer shall not request the information from this  
21 Subparagraph from the vehicle occupant.

22           (c) Whether the vehicle occupant was a limited English proficient individual,  
23 as observed by the peace officer.

24           (d) Whether the vehicle occupant had any physical, intellectual, or mental  
25 disabilities, as observed by the peace officer.

26           (6)(a) Whether the peace officer searched the vehicle or any occupant of the  
27 vehicle, including, a search of the person following a request for consent to search  
28 and whether consent was granted or refused.

29           (b) If consent was refused, the legal basis of the search, including:

1           (i) Reasonable suspicion the occupant was armed and dangerous.

2           (ii) A search incident to arrest.

3           (c) Whether the peace officer discovered any contraband or evidence as a  
4 result of the search and the contents of the contraband or evidence, including  
5 approximate amounts of controlled dangerous substances and money, if applicable.

6           (7) Whether the peace officer employed the use of a police dog trained to  
7 detect controlled dangerous substances to search the vehicle and whether the dog  
8 detected the possible presence of a controlled dangerous substance.

9           (8)(a) Whether the peace officer searched the vehicle or any property  
10 contained inside the vehicle, including, a search of the vehicle following a request  
11 to search the vehicle or any property contained inside the vehicle from the driver or  
12 any occupant and whether the consent was granted or refused.

13           (b) The legal basis of the search of the vehicle or any property contained  
14 inside the vehicle if consent was not granted by the driver or any occupants of the  
15 vehicle, including:

16           (i) Protective search of the vehicle based upon a reasonable suspicion that  
17 an unsecured occupant had access to a weapon.

18           (ii) An alert from a police dog trained to detect controlled dangerous  
19 substances.

20           (iii) Other probable cause that the vehicle contained evidence of a crime.

21           (iv) Evidence of a crime in plain view.

22           (v) A search incident to arrest.

23           (vi) An inventory search after the vehicle was impounded.

24           (c) Whether the peace officer discovered any contraband or evidence as a  
25 result of the search and the contents of the contraband or evidence, including the  
26 approximate amounts of controlled dangerous substances or money, if applicable.

27           (9) Whether the peace officer seized any property and the type and  
28 approximate amount of property seized and a narrative description of the reasons  
29 supporting the legal basis for seizing the property.

1           (10) The badge number or other unique identifying number of the peace  
2           officer conducting the stop.

3           (11) Whether the stop was recorded by a body-worn camera, audio recording  
4           equipment, or a dashboard camera belonging to the agency submitting the data.

5           §2905. Collection of data on pedestrian stops and bicycle stops

6           A. Not later than April first of each year, all law enforcement agencies  
7           subject to the requirements of this Chapter shall submit to the commission data on  
8           all pedestrian and bicycle stops conducted by that agency's peace officers during the  
9           preceding calendar year.

10           B. The submission required pursuant to Subsection A of this Section shall  
11           include, at a minimum, the following information for each pedestrian or bicycle stop:

12           (1) The date, time, location, and duration of the stop. The location shall be  
13           provided using the district, zone, and sub-zone designations of the agency, and if  
14           possible, the latitude and longitude coordinates.

15           (2) The reason for the stop, including the alleged violation of a state or local  
16           law, if applicable.

17           (a) The result of the stop, including whether the stop resulted in a verbal  
18           warning.

19           (b) Whether the stop resulted in a ticket or citation along with a reference to  
20           the statute or ordinance that was violated or cited.

21           (c) Whether the stop resulted in a summons along with a reference to the  
22           statute or ordinance that was violated or cited.

23           (d) Whether the stop resulted in a property seizure or forfeiture.

24           (e) Whether the stop resulted in an arrest along with a reference to the statute  
25           or ordinance that was violated or cited.

26           (3) The following characteristics of the pedestrian or bicyclist:

27           (a)(i) The sex, age, state of residence, race, and ethnicity of the pedestrian  
28           or bicyclist, provided the identification of these characteristics shall be based on the  
29           observation and perception of the peace officer. The peace officer shall record the

1 race or ethnicity of the pedestrian or bicyclist as one of the following: American  
2 Indian or Alaska Native, Asian, Black or African-American, Hispanic or Latino,  
3 Native Hawaiian or Other Pacific Islander, White, or two or more races.

4 (ii) The peace officer shall not request the information from this  
5 Subparagraph from the pedestrian or bicyclist.

6 (b) Whether the pedestrian or bicyclist was a limited English proficient  
7 individual, as observed by the peace officer.

8 (c) Whether the pedestrian or bicyclist had any physical, intellectual or  
9 mental disabilities, as observed by the peace officer.

10 (4)(a) Whether the peace officer searched the person of the pedestrian or  
11 bicyclist, including, whether the peace officer requested consent to search and  
12 whether the consent was granted or refused.

13 (b) The legal basis for the search if denied consent, including one of the  
14 following:

15 (i) Reasonable suspicion that the occupant was armed and dangerous.

16 (ii) A search incident to arrest.

17 (c) A narrative description of the reasons supporting the legal basis,  
18 including, but not limited to the following:

19 (i) Reasonable suspicion.

20 (ii) Probable cause.

21 (iii) Search incident to arrest.

22 (d) Whether the peace officer discovered any contraband or evidence as a  
23 result of the frisk and the contents of the contraband or evidence, including  
24 approximate amounts of controlled dangerous substances and money.

25 (5)(a) Whether the peace officer searched any of the personal effects of the  
26 pedestrian or bicyclist other than the clothes the pedestrian or bicyclist was wearing,  
27 including, whether the peace officer requested consent to search the personal effects  
28 of the pedestrian or bicyclist and whether the consent was granted or refused.

1           (b) If the legal basis for the search of the pedestrian or bicyclist was refused,  
2           a narrative description of the reasons supporting the legal basis for the search,  
3           including but not limited to probable cause.

4           (c) Whether the peace officer discovered any contraband or evidence as a  
5           result of the search and the contents of the contraband or evidence, including  
6           approximate amounts of controlled dangerous substances or money.

7           (6) Whether the peace officer seized any property and the type and  
8           approximate amount of property seized and a narrative description of the reasons  
9           supporting the legal basis for seizing the property.

10          (7) The badge number or other identifying number of the peace officer  
11          conducting the stop.

12          (8) Whether the stop was recorded by a body-worn camera, audio recording  
13          equipment, or a dashboard camera belonging to the agency submitting the data.

14          §2906. General data collection requirements

15           A. Not later than April first of each year, all law enforcement agencies  
16           subject to the requirements of this Chapter shall submit to the commission data for  
17           each of the following incidents, as those terms are defined by this Chapter involving  
18           that agency's peace officer during the preceding year:

19           (1) Use of force by a peace officer.

20           (2) Use of a no knock warrant.

21           (3) Deployment of special weapons and tactics (S.W.A.T.) teams.

22           B. The data submission required by Subsection A of this Section shall  
23           include, at a minimum, the following information on the person involved in the  
24           incident:

25           (1) When the person voluntarily discloses this information:

26           (a) Sex.

27           (b) Age.

28           (c) Race.

29           (d) State of residence.

- 1           (e) Pregnancy status.
- 2           (2) When the officer observes the following:
- 3           (a) Whether the person has a limited English proficiency.
- 4           (b) Whether the person has physical, mental, or intellectual disabilities.
- 5           (c) Whether the individual is armed, and if so, the type of weapon.
- 6           (c) Whether the individual fled or attempted to flee.
- 7           (3) The following information shall be submitted regarding each peace
- 8 officer who is involved in an incident listed in Subsection A:
- 9           (a) Whether the officer was on duty.
- 10          (b) Whether the officer used force, and if so, the type of force.
- 11          (c) Whether the officer discharged a weapon.
- 12          (d) Whether the officer gave verbal or nonverbal commands.
- 13          (4) The following information shall be submitted regarding each incident
- 14 listed in Subsection A:
- 15          (a) Time, date, location, and duration of the incident.
- 16          (b) Number of officers involved.
- 17          (c) Origin of the incident.
- 18          (d) Whether the officer frisked anyone with or without consent.
- 19          (e) Whether the officer discovered any evidence or contraband.
- 20          §2907. Specific data collection requirements
- 21            A. Not later than April first of each year, all law enforcement agencies
- 22 subject to the requirements of this Chapter shall submit to the commission data on
- 23 all complaints the agency received in the preceding calendar year.
- 24            (1) The data submission required by this Subsection shall include, at a
- 25 minimum, the following information for each complaint:
- 26            (a) The approximate date, time, and location of the incident complained of,
- 27 as alleged in the complaint.

1           (b) The badge number or other unique identifying number of each peace  
2           officer referenced in the complaint if the complainant provides sufficient information  
3           for the reporting agency to identify the peace officer.

4           (c) The substance of the complaint, including but not limited to:

5           (i) Whether the complaint alleges that a peace officer impermissibly relied  
6           on the race or ethnicity of the complainant or another person in the officer's  
7           interaction with the complainant or another person.

8           (ii) Whether the complaint alleges that a peace officer impermissibly relied  
9           on the status of the complainant or another person as lesbian, gay, transgender,  
10           straight, queer, or gender-nonconforming in the officer's interaction with the  
11           complainant or another person.

12           (iii) Whether the complaint alleges that a peace officer used excessive force  
13           against the complainant or another person.

14           (iv) Whether the complaint alleges that a peace officer improperly seized  
15           property that belonged to the complainant or someone else.

16           (v) Whether the complaint alleges that a peace officer improperly searched  
17           the complainant, another person, or the property of the complainant or another  
18           person.

19           (vi) Whether the complaint alleges that a peace officer committed  
20           inappropriate sexual contact with the complainant or another person.

21           (vii) Whether the complaint alleges the peace officer caused any physical  
22           injuries to the complainant or another person.

23           (viii) The race, sex, age, and state of residence of each complainant, but only  
24           if the complainant voluntarily discloses this information.

25           (c) The date the agency received the complaint.

26           (2) The data submission shall also include data on whether the agency  
27           investigated the complaint and, if so, the following information:

28           (a) Whether the investigation is still pending or, if the investigation has been  
29           completed, the date the agency completed its investigation of the complaint.

1           (b) If the investigation has been completed, whether the agency sustained the  
2           complaint or determined the complaint was unfounded.

3           (c) If the investigation has been completed, whether the agency informed the  
4           complainant of the disposition of the complaint and, if so, the date the agency  
5           informed the complainant of the disposition of the complaint.

6           (3) The data submission shall also include data on all of the following:

7           (a) Whether the agency took disciplinary action against any peace officer as  
8           a result of the incident described in the complaint.

9           (b) Whether the agency referred the complaint to an office of a district  
10          attorney, the office of the attorney general, or an office of a United States attorney.

11          B. Not later than April first of each year, all law enforcement agencies  
12          subject to the requirements of this Chapter shall submit the following information,  
13          at a minimum, to the commission on response times to emergency calls the agency  
14          received during the previous calendar year:

15          (1) The date and time the call was made and the location from which the call  
16          was made. If possible, the location shall be provided using latitude and longitude  
17          coordinates and using the district, zone, and sub-zone designations of the agency.

18          (2) The date and time the agency dispatched one or more peace officers to  
19          respond to the call.

20          (3) The date and time the peace officers dispatched to respond to the call  
21          arrived at the location of the emergency.

22          (4) Any priority code the agency assigned to the call.

23          (5) The date and time the peace officers who responded to the call closed the  
24          call.

25          (6) The disposition of the call, including but not limited to void, gone on  
26          arrival, necessary action taken, and report to follow.

27          (7) The subject matter of the call, including but not limited to burglary,  
28          discharge of a firearm, a motor vehicle accident, or a domestic violence incident.

1           C. Not later than April first of each year, all law enforcement agencies  
2           subject to the requirements of this Chapter shall submit the following information,  
3           at a minimum, to the commission on the demographics of all peace officers  
4           employed or overseen by the agency during the previous calendar year:

5                   (1) The badge number or unique identifying number of the peace officer.

6                   (2) The number of years the peace officer has served with the reporting  
7                   agency, and the total number of years the peace officer has been employed as a peace  
8                   officer in the United States.

9                   (3) The sex, age, and self-reported race and ethnicity of the peace officer,  
10                  where race and ethnicity are recorded as one of the following: American Indian or  
11                  Alaska Native, Asian, Black or African-American, Hispanic or Latino, Native  
12                  Hawaiian or Other Pacific Islander, White, or two or more races.

13                  (4) Whether the peace officer is a former active military duty member of the  
14                  United States Armed Forces.

15           §2908. General requirements regarding law enforcement data collection and  
16           retention; phase implementation; applicability

17           A. Law enforcement agencies shall become subject to the requirements of  
18           this Chapter according to the following schedule:

19                   (1) Law enforcement agencies overseeing fifty or more peace officers shall  
20                   begin collecting data on January 1, 2023, and shall make their first submissions to  
21                   the commission not later than April 1, 2024.

22                   (2) Law enforcement agencies overseeing twenty-five to forty-nine peace  
23                   officers shall begin collecting data on January 1, 2024, and shall make their first  
24                   submissions to the commission not later than April 1, 2025.

25                   (3) Law enforcement agencies overseeing twenty-four or fewer peace  
26                   officers shall begin collecting data on January 1, 2025, and shall make their first  
27                   submissions to the commission not later than April 1, 2026.

1           B. Any peace officer who in good faith records information pursuant to the  
2           requirements of this Chapter shall not be held civilly liable for the act of recording  
3           such information.

4           C. The provisions of this Chapter shall not apply to encounters between  
5           peace officers and inmates.

6           D. Notwithstanding any other provision of law, the data required to be  
7           submitted to the commission pursuant this Chapter shall be a public record within  
8           the meaning of R.S. 44:1. The data required to be submitted to the commission  
9           pursuant to this Chapter shall not be exempt from public disclosure under R.S. 44:3  
10          et seq. Nothing in this Chapter shall require law enforcement agencies to submit  
11          names, residence addresses, home telephone numbers, social security numbers,  
12          driver's license numbers, and other unique personally identifying information to the  
13          commission, except for badge numbers of peace officers, other unique identifying  
14          numbers, and the demographic information required to be submitted pursuant to R.S.  
15          40:2907(C).

16          E. Law enforcement agencies who have maintained a qualifying  
17          accreditation for the entirety of the calendar year for which they are required to  
18          collect and submit data pursuant to this Chapter may satisfy the requirements of this  
19          Section by submitting a copy of the annual report and other documents provided to  
20          or reviewed by the accrediting agency in order to complete the accrediting process.  
21          Such documents shall include the full assessment report for the accrediting period  
22          and the annual compliance reports that are required for accreditation. For the  
23          purposes of this Section "qualifying accreditation" shall mean accreditation by a  
24          body that awards accreditation on a periodic basis not to exceed five years and has  
25          standards and protocols for the profession including recommended or required  
26          professional training and which requires a period of self assessment to determine  
27          alignment with those standards and which requires independent external assessment  
28          of the practices of the agency to verify compliance with those professional protocols

1 and standards, and which requires annual compliance reports prior to re-accreditation.

2 F. Agencies who have maintained a qualifying accreditation and submitted  
3 such documentation to the commission shall not be subject to penalties for non-  
4 compliance as provided by this Chapter.

5 §2909. Responsibilities of the Louisiana Commission on Law Enforcement and the  
6 Administration of Criminal Justice

7 A. Not later than March 1, 2023, the commission shall begin the process of  
8 promulgating rules and regulations, by publishing notice of the intent to promulgate  
9 rules and regulations in accordance with the Louisiana Administrative Procedure  
10 Act, R.S. 49:950 et seq., for the collection and submission of data required by this  
11 Chapter. Such proposed rules and regulations may provide standards, definitions,  
12 and technical specifications to ensure uniform collection and submission practices  
13 across all law enforcement agencies. To the extent possible, such proposed rules and  
14 regulations shall be compatible with any similar federal data collection and reporting  
15 program.

16 B. Not later than July 1, 2023, the commission shall establish, through  
17 electronic data processing and related procedures, a system by which the data  
18 required by this Chapter to be collected can be electronically submitted by law  
19 enforcement agencies to the commission in a standardized format. The commission  
20 shall also develop and disseminate to law enforcement agencies paper forms to  
21 standardize data collection and to assist peace officers in collecting the types of data  
22 that are best recorded at the scene of stops and incidents. To the extent possible, the  
23 system for electronic data submission and the paper forms shall be compatible with  
24 any similar federal data collection and reporting program. Not later than October 1,  
25 2023, the commission shall disseminate to all law enforcement agencies detailed  
26 instructions for how they may submit data using either the electronic system or paper  
27 forms developed by the Commission. The commission shall solicit periodic  
28 feedback from law enforcement agencies on how the electronic reporting system,

1 paper forms, and instructions could be improved and shall update the electronic  
2 reporting system, paper forms, and instructions as appropriate.

3 C. Not later than December 31, 2024, and December thirty-first of each  
4 subsequent year, the commission shall publish an annual report that analyzes the data  
5 submitted pursuant to this Chapter. The commission shall make all such annual  
6 reports available for download on its website. Such annual reports shall include the  
7 name and contact information for each law enforcement agency that failed to submit  
8 the data required by this Chapter.

9 (1) Such annual reports shall also include, at a minimum, an analysis of the  
10 following:

11 (a) Whether there are statistically significant disparities in the rates at which  
12 drivers, passengers, and pedestrians of different racial and ethnic groups are stopped,  
13 searched, issued a citation, ticket, or summons, found to possess contraband, and  
14 arrested.

15 (b) Whether there are statistically significant disparities in the rates at which  
16 drivers and passengers of different racial and ethnic groups are subjected to traffic  
17 stops during daytime versus nighttime periods.

18 (c) For law enforcement agencies overseeing at least fifty peace officers, the  
19 distribution in the rates at which peace officers overseen by the same agency stop,  
20 search, issue citations, tickets, and summons to, find contraband on, and arrest  
21 drivers, passengers, and pedestrians of different racial and ethnic groups.

22 (d) Whether there are statistically significant disparities in the rates at which  
23 peace officers use force against people of different racial or ethnic groups.

24 (e) For law enforcement agencies overseeing at least fifty peace officers, the  
25 distribution of total uses of force and the distribution of uses of force against people  
26 of a particular racial or ethnic group by peace officers overseen by the same agency.

27 (2) To measure statistical significance, the commission shall use indicators  
28 that are widely accepted in statistical and econometric disciplines, including, but not  
29 limited to, significance levels of five percent or less. The commission shall consult

1 evidence-based research, including research published in peer-reviewed scholarly  
2 journals, to determine reasonable benchmark populations for use in all comparative  
3 analyses.

4 (3) The commission may enter into a contract with an accredited institution  
5 of higher education for the institution to analyze the data and draft the annual report.  
6 The report shall list the academic institutional authors as co-authors with the  
7 commission staff. To the best extent possible, any such contract entered into  
8 pursuant to this Subsection shall be with a Louisiana public institution of higher  
9 education.

10 D. The commission shall make available for download on its website all raw  
11 data received from law enforcement agencies. All data shall be made available for  
12 download in a comma-separated values format and in any other formats the  
13 commission determines would facilitate public access and analysis. To the best  
14 extent possible, the publication of raw data pursuant to this Subsection shall be done  
15 using an "Open Data" website that is included in the U.S. General Service  
16 Administration's "Data.gov" catalog. The commission shall not remove data from  
17 past years, even if the data is older than three years.

18 E. Notwithstanding any other law, the data and reports required to be made  
19 available pursuant to this Section shall be public records within the meaning of R.S.  
20 44:1. The data and reports required to be made available pursuant to this Section  
21 shall not be exempt from public disclosure under R.S. 44:3. Nothing in this Chapter  
22 shall be intended to authorize the commission to publish or release names, residence  
23 addresses, home telephone numbers, social security numbers, driver's license  
24 numbers, and other unique personally identifying information, except for badge  
25 numbers of law enforcement officers.

26 §2910. Penalties for law enforcement agency's failure to collect or submit data

27 A. If a law enforcement agency fails to comply with the provisions of this  
28 Chapter, the commission shall withhold all federal- or state-sourced funds that the  
29 commission would otherwise disburse to the agency, except for funds whose primary

1 purpose is to enhance the capacity of the agency to collect and submit the data  
2 required by this Chapter, until the commission has verified that the agency has  
3 submitted all the data the agency is reasonably capable of collecting and submitting.  
4 The funds that the commission shall withhold from non-compliant agencies include  
5 but are not limited to funds from the Edward Byrne Memorial Justice Assistant Grant  
6 program that the state of Louisiana makes available to units of local government  
7 under 34 U.S.C. §10156(c)(2) and (e)(2). The commission shall promulgate rules  
8 and regulations for carrying out its duties under this Subsection.

9 B. If a sheriff, chief of police of a police department, the superintendent of  
10 the New Orleans Police Department, or the superintendent of the Louisiana State  
11 Police intentionally fails to collect and submit the data required by this Chapter, the  
12 law enforcement agency shall be liable to the state for a civil penalty in an amount  
13 not to exceed five thousand dollars for each intentional, substantial failure to submit  
14 data in accordance with this Chapter, for each year in which the agency is required  
15 to collect and submit data. The attorney general may sue to collect a civil penalty  
16 under this Subsection in accordance with the following provisions:

17 (1) Before commencing suit, the attorney general shall provide written notice  
18 to the official that sets forth with particularity the ways in which the attorney general  
19 believes the law enforcement agency overseen by the official is failing to comply  
20 with the provisions of this Chapter. If, after the passage of thirty days from the date  
21 on which the attorney general sends written notice, the attorney general is not  
22 satisfied that the official has come into substantial compliance with the provisions  
23 of this Chapter, the attorney general may file suit in the district court with  
24 jurisdiction over the official to be named as the defendant.

25 (2) The court shall determine the matter de novo and the burden is on the  
26 official overseeing the law enforcement agency to demonstrate, by a preponderance  
27 of the evidence, that the agency has exhibited no intentional and substantial failures  
28 to comply with the provisions of this Chapter.

1           (3) Any suit filed by the attorney general pursuant to this Subsection shall  
2           be tried by preference and in a summary manner in the district court of original  
3           jurisdiction.

4           (4) If the court determines that the official has committed an intentional and  
5           substantial failure to submit data for required by the provisions of this Chapter, it  
6           shall impose a civil penalty not to exceed five thousand dollars for each such  
7           intentional and substantial failure, for each year in which the intentional and  
8           substantial failure has persisted. Such penalty shall be payable to the state.

9           §2911. Civil injunctive remedies for failure of law enforcement agency to collect  
10           or submit data

11           A. An organization with tax-exempt status under Section 501(c)(3) of the  
12           U.S. Internal Revenue Code (26 U.S.C. §501(c)(3)) and whose mission is to advance  
13           civil rights or human rights or to combat various forms of discrimination is hereby  
14           determined by the legislature to hold a special interest apart from the interest of the  
15           general public sufficient to create a real and actual interest in ensuring that law  
16           enforcement agencies comply with the provisions of this Chapter. Such  
17           organizations may seek appropriate injunctive relief in a civil action against any head  
18           of a law enforcement agency for failing to collect or submit data pursuant to this  
19           Chapter. The organization need not be registered with the secretary of state.

20           B. Before filing a civil action under this Section, the organization shall send  
21           a written notice to the law enforcement agency that is failing to comply with the  
22           provisions of this Chapter. The notice shall set forth with particularity the ways in  
23           which the organization believes the law enforcement agency is failing to comply  
24           with the provisions of this Chapter. The organization shall send copies of the notice  
25           to the attorney general and the commission. The organization shall wait thirty days  
26           from the date of sending written notice and comply with the following provisions:

27           (1) If, before the thirty-day period passes, the organization receives written  
28           notice from the attorney general that the attorney general has commenced a civil

1 action against the agency pursuant to Subsection C, the organization must wait until  
2 the suit by the attorney general concludes to institute its own action.

3 (2) If, after the passage of thirty days, the organization receives no written  
4 notice from the attorney general that the attorney general has commenced a civil  
5 action against the agency pursuant to Subsection C, the organization may institute  
6 a civil action pursuant to the requirements of Subsection D. Nothing in this  
7 Subsection shall require the organization to file a civil action.

8 C. The attorney general may, pursuant to the requirements set forth in  
9 Subsection D, commence a civil action for injunctive relief against any law  
10 enforcement agency that is failing to comply with the provisions of this Chapter.

11 D. In any suit filed by an organization or the attorney general pursuant to this  
12 Section, the head of the agency shall be named in his official capacity as the  
13 defendant. The civil action shall be filed in the district court having jurisdiction over  
14 the agency. The suit shall be tried by preference and in a summary manner. The  
15 court shall have jurisdiction to enjoin the head of the law enforcement agency from  
16 failing to comply with the provisions of this Chapter. The court shall determine the  
17 matter de novo and the burden is on the head of the law enforcement agency to  
18 demonstrate, by a preponderance of the evidence, that the law enforcement agency  
19 is in substantial compliance with the requirements of this Chapter. Any  
20 noncompliance with the order of the court may be punished as contempt of court.

21 E. Any organization that meets the requirements of Subsection A may be  
22 awarded costs, attorney fees, and expert fees if it prevails in a civil action filed  
23 pursuant to this Section. If the court orders costs and fees to be paid, the official  
24 found to be in non-compliance with the provisions of this Chapter shall pay any such  
25 costs, attorney fees, and expert fees out of the budget of the agency overseen by the  
26 official. An award for attorney fees in any suit brought under the provisions of this  
27 Section shall not exceed the amounts approved by the attorney general for the  
28 employment of outside counsel.

1        §2912. Civil injunctive remedies for a failure by the commission to publish annual  
2                reports or data

3                A. An organization with tax-exempt status under Section 501(c)(3) of the  
4        U.S. Internal Revenue Code (26 U.S.C. §501(c)(3)) and whose mission is to advance  
5        civil rights or human rights or to combat various forms of discrimination is hereby  
6        determined by the legislature to hold a special interest apart from the interest of the  
7        general public sufficient to create a real and actual interest in ensuring that the  
8        commission comply with the provisions of this Chapter. Such organizations may  
9        seek appropriate injunctive relief in a civil action against any the chairman of the  
10       commission for failing to publish annual reports or raw data pursuant to this Chapter.  
11       The organization need not be registered with the secretary of state.

12               B. In any suit filed by an organization pursuant to this Section, the chairman  
13       of the commission shall be named as the defendant in his official capacity as  
14       chairman. The civil action shall be filed in the nineteenth judicial district court. The  
15       suit shall be tried by preference and in a summary manner. The court shall have  
16       jurisdiction to enjoin the executive director of the commission from failing to publish  
17       the annual reports and raw data required by this Chapter. The court shall determine  
18       the matter de novo and the burden is on the executive director of the commission to  
19       demonstrate, by a preponderance of the evidence, that the commission has complied  
20       with the provisions of this Chapter. Any noncompliance with the order of the court  
21       may be punished as contempt of court.

22               C. Any injunction issued by a court pursuant to this Section is hereby  
23       determined not to violate R.S. 13:4062 or Code of Civil Procedure Article 3601(A)  
24       and shall be considered an exception to those provisions.

25               D. Each party shall bear its own costs and fees in litigating any action  
26       instituted pursuant to this Section.

27        Section 2. R.S. 15:1204.2(A) and (B)(1) and (8)(c), 1204.5, 1212(B)(4) and  
28        1212.1(F) are hereby amended and reenacted and R.S. 15:1204.2(B)(8)(d) is hereby enacted  
29        to read as follows:

1 §1204.2. Creation of system; functions; powers; duties

2 A. There is hereby created within the Louisiana Commission on Law  
3 Enforcement and the Administration of Criminal Justice, hereinafter referred to as  
4 the "commission", a Louisiana Uniform Crime Reporting System, hereinafter  
5 referred to as the "system". All Louisiana law enforcement agencies employing one  
6 or more peace officers as defined in R.S. 40:2403 shall report to the system all data  
7 requested by the Federal Bureau of Investigation. The commission may appoint such  
8 employees, agents, consultants, and special committees as it may deem necessary to  
9 properly manage the system.

10 B. The system, by and through the commission, shall have the following  
11 functions, powers, and duties:

12 (1) To establish, through electronic data processing and related procedures,  
13 a system by which relevant information can be collected, coordinated, analyzed, and  
14 made readily available to serve qualified agencies concerned with the administration  
15 of criminal justice located anywhere in the state. The commission shall prescribe  
16 standards and technical specifications to ensure uniform data collection submission  
17 practices across all law enforcement agencies and shall prescribe the terms and  
18 conditions under which ~~such~~ all law enforcement agencies shall ~~contribute or gain~~  
19 access to information contained in the system files.

20 \* \* \*

21 (8)

22 \* \* \*

23 (c) The report shall specifically contain a section related to clearance rates  
24 that shall include statistics showing the clearance rates for all crimes reported to the  
25 system, including statistics comparing clearance rates for homicide crimes based on  
26 the race and ethnicity of the victim.

27 (d) A sufficient number of copies of all reports shall be printed for  
28 distribution to the governor, the chairman of the House Committee on  
29 Administration of Criminal Justice, and the chairman of the Senate Committee on



1 information regarding the following information for all law enforcement officers  
2 overseen by the agency:

3 (a) ~~the~~ The name of the law enforcement officer.

4 (b) ~~the~~ The designated position; of the law enforcement officer.

5 (c) ~~the~~ The status of all P.O.S.T. certifications and decertifications related  
6 to training and qualifications; of the law enforcement officer.

7 (d) ~~the~~ The hire date; of the law enforcement officer.

8 (e) Paid and unpaid suspensions and paid and unpaid administrative leaves  
9 of the law enforcement officer.

10 (f) ~~the~~ The final disposition of disciplinary actions against the law  
11 enforcement officer that result in involuntary termination, resignations in lieu of  
12 termination, and resignations pending an investigation.

13 (g) ~~final~~ Final judgments in civil cases against the law enforcement officer  
14 related to civil rights violations under the provisions of 42 U.S.C. 1983, including  
15 the amounts paid in compensatory damages, punitive damages, and attorney fees.

16 (h) Final judgments in civil cases against the municipality or parish  
17 employing the law enforcement officer related to civil rights violations under the  
18 provisions of 42 U.S.C. 1983, including the amounts paid in compensatory damages  
19 and attorney fees.

20 (i) Final judgments in civil cases against the law enforcement officer or  
21 related to serious bodily injury as defined in R.S. 14:2(C).

22 (j) Final judgments in ~~or~~ criminal cases related to the duties of a law  
23 enforcement officer in the course and scope of his employment when the misconduct  
24 of that specific law enforcement officer gave rise to the cause of action.

25 (k) ~~and the~~ The date of separation of the law enforcement officer from  
26 service.

27 \* \* \*

28 §1212.1. Report to the system; duties of persons and agencies

29 \* \* \*



information no later than April 1, 2023. Smaller agencies are required to make their submission by April 1, 2025. Provides for an alternative method of compliance with proposed law in certain cases where a law enforcement agency is already collecting this information for accreditation purposes.

Proposed law requires data collected pursuant to proposed law to be public record.

Proposed law provides that if law enforcement agencies fail to comply, the La. Commission on Law Enforcement and the Administration of Criminal Justice has the ability to withhold all federal or state funds that would otherwise be disbursed to them, including funds from the Edward Byne Memorial Justice Assistant Grant Program. Law enforcement agencies may be forced to pay civil penalties for intentionally being non-compliant. Additionally, organizations with tax-exempt status can seek injunctive relief in a civil action if the law enforcement agencies fail to comply with the submission of data or publishing of annual reports.

Proposed law requires all law enforcement agencies to report all data requested by the FBI to the La. Uniform Crime Reporting System. Additionally, it requires the commission to create standards and technical specifications to ensure that all data submissions are uniform.

Proposed law requires the commission to report on clearance rates that include statistics on all crimes reported to the system.

Present law (R.S. 22:398.10) requires peace officers to collect information on the number of persons stopped for traffic violations made and the demographics of those persons, the nature of the stop, and whether a citation or warrant was issued, an arrest made, or a search conducted. Present law provides that present law is inapplicable if the department adopts a written policy against racial profiling. Proposed law repeals present law.

(Amends R.S. 15:1204.2(A) and (B)(1) and (8)(c), 1204.5, 1212(B)(4) and 1212.1(F); Adds R.S. 15:1204.2(B)(8)(d) and R.S. 40:2903-2912; Repeals R.S. 32:398.10)