

2023 Regular Session

HOUSE BILL NO. 540

BY REPRESENTATIVE MIGUEZ

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

PORTS/HARBORS/TERMINALS: Establishes a port and harbor police force for ports meeting certain requirements

1 AN ACT

2 To enact R.S. 34:1603.2, relative to port and harbor police; to provide for appointment,
3 salary, and appointee requirements; to require a bond be furnished by port and harbor
4 police conditioned on performance of duties; to provide for authority, arrests,
5 warrants, and no limitation on sheriffs; to provide for jurisdiction of police to ensure
6 a parish with a specific outlined population maintains its jurisdiction; to provide an
7 effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 34:1603.2 is hereby enacted to read as follows:

10 §1603.2. Port and harbor police

11 A. For purposes of this Section, in any port district whose territorial limits
12 encompass a parish with a population of sixty-eight thousand to seventy-three
13 thousand or fifty-seven thousand to fifty-seven thousand four hundred, the
14 commission may, in its discretion, appoint, fix salaries of, and pay port and harbor
15 police. The port and harbor police may consist of any number of people of good
16 character and citizens of the state; however, no member shall be under eighteen years
17 of age.

18 B. Each of the port and harbor police so appointed shall furnish bond in a
19 sum to be fixed by the commission at not less than one hundred dollars, conditioned

1 on the faithful performance of his duties, and any person injured or damaged by any
2 port or harbor police may sue upon that bond.

3 C. The port and harbor police provided for in this Section shall have, under
4 the direction and control of the commission, the same power to make arrests, in and
5 upon the property within the jurisdiction of the commission and approaches thereto,
6 and to execute and return all criminal warrants and processes, as sheriffs of this state
7 have, and shall under the same direction and authority, have all the powers of sheriffs
8 as peace officers in all places and on all premises under the jurisdiction and control
9 of the commission, and the streets and approaches thereto.

10 D. Any persons arrested by officers of the commission meeting the
11 requirements of Subsection A of this Section and the return of all warrants or
12 processes served by these officers shall be surrendered or delivered to the criminal
13 sheriff of the parish in which the arrest occurred as determined by location of arrest;
14 provided this shall in no way deprive the sheriff or deputy sheriff in a parish with a
15 population of ninety-seven thousand to one hundred thousand from making arrests
16 or from serving warrants or process of court in any such place or on any such
17 premises.

18 E. A commission that meets the requirements of Subsection A of this Section
19 shall adopt rules and regulations for the conduct, management, and control of the
20 port and harbor police, and shall, from time to time, enlarge, modify, or change such
21 rules and regulations in its discretion.

22 Section 2. This Act shall become effective upon signature by the governor or, if not
23 signed by the governor, upon expiration of the time for bills to become law without signature
24 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
25 vetoed by the governor and subsequently approved by the legislature, this Act shall become
26 effective on the day following such approval.

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 540 Original

2023 Regular Session

Miguez

Abstract: Specifies rights and powers of port and harbor police.

Proposed law establishes for parishes with a population of 68,000 to 73,000 or 57,000 to 57,400, the commission may appoint, fix salaries of, and pay port and harbor police and provides requirements of appointees.

Proposed law requires appointees furnish a bond upon which suit may be brought for injury or for failure of appointee to faithfully perform his duties.

Proposed law enables port and harbor police to perform law enforcement duties commensurate with powers of sheriffs.

Proposed law provides for arrestees of the port and harbor police to be delivered to the sheriff of the parish in which it occurs, and provides that such authority not deprive law enforcement from a parish with a population of 97,000 to 100,000 from performing their duties.

Proposed law allows for the commission to make rules and regulations relative to the port and harbor police and provides for modifications to the rules and regulations.

(Adds 34:1603.2)