
DIGEST

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HB 543 Original

2023 Regular Session

Jordan

Abstract: Provides for procedures when engaging in vehicle pursuit of a suspect and provides for strict liability for an agency, department, or office in certain circumstances.

Present law (R.S. 32:24) provides for requirements of an authorized emergency vehicle when responding to an emergency call or when in pursuit of an actual or suspected violator of the law.

Present law provides that the driver or rider of an authorized vehicle shall have a duty to drive or ride with due regard for the safety of all persons.

Proposed law retains present law but sets forth requirements for peace officers when initiating or assisting in a pursuit.

Proposed law provides that the peace officer's primary concern is the risk to public safety and to continually evaluate the situation and terminate the pursuit when the totality of risks to the public safety clearly outweighs the need for immediate apprehension.

Proposed law provides that prior to initiating, becoming involved in, or continuing a pursuit, the officer shall consider the following:

- (1) Violation the suspect is known for, wanted for, or suspected of.
- (2) Imminent danger to the public based on the totality of the circumstances.
- (3) Time of day.
- (4) Potential danger if the offender is not apprehended immediately.
- (5) Positive identification of the driver.
- (6) Other considerations including surroundings and limitations of equipment and vehicles.

Proposed law provides that the considerations provided in proposed law shall be continually evaluated throughout the duration of the pursuit.

Proposed law provides for procedures when a peace officer deploys lawful intervention techniques such as tire deflation devices and roadblocks. Peace officers shall report deployment to the

supervising officer for documentation.

Proposed law provides that the dispatch center shall be notified when a pursuit is initiated.

Proposed law provides that the dispatch center shall receive notifications of the following:

- (1) Description of the suspect vehicle, suspect, number of visible occupants, location, direction of travel, and reason for the pursuit.
- (2) Continual notifications of the description and current location of pursued vehicle and route of travel.
- (3) Advise other units to hold all non-emergency radio transmissions.
- (4) Use discretion and brevity in all radio transmissions.
- (5) Upon termination of a pursuit, initiate a dispatch for resumption of routine radio traffic.

Proposed law provides that peace officers shall not discharge a firearm at or from a vehicle or use police vehicles except in situations where deadly force is allowed by law.

Proposed law provides for procedures where peace officers shall set up roadblocks.

Proposed law provides for procedures when peace officers use tire deflation devices.

Proposed law provides for procedures when peace officers may employ a precision immobilization technique maneuver.

Proposed law provides for the termination of pursuits either by the peace officer or any supervisor.

Proposed law provides that pursuits that cross state lines shall only be made in accordance with policies of the pursuing agency and the laws of the state that is being entered.

Proposed law provides that if a peace officer or employee fails to comply with proposed law the law enforcement agency, department, or office shall be held strictly liable for damages caused by its peace officers or employees while in pursuit of a vehicle and such pursuit results in serious bodily injury or death.

Proposed law provides that in addition to special damages, the plaintiff may be awarded court costs, reasonable attorney fees, and exemplary damages.

Proposed law defines "authorized emergency vehicle", "lawful intervention technique", "parallel", "peace officer", "precision immobilization technique", "pursuit", "termination of a pursuit", and "vehicle".

Proposed law provides that the provisions of proposed law shall be prospective and retroactive to pending actions at the time of the passage of proposed law.

(Adds R.S. 9:2800.30)