

2023 Regular Session

HOUSE BILL NO. 442

BY REPRESENTATIVES EDMONDS, ADAMS, AMEDEE, BACALA, BAGLEY, BEAULLIEU, BOURRIAQUE, BUTLER, CARPENTER, CARRIER, CORMIER, COUSSAN, COX, DAVIS, DEVILLIER, EDMONSTON, EMERSON, FISHER, FONTENOT, FREEMAN, FREIBERG, GAINES, GAROFALO, GEYMANN, GLOVER, GREEN, HILFERTY, HORTON, HUGHES, HUVAL, ILLG, IVEY, JEFFERSON, JENKINS, KERNER, KNOX, LAFLEUR, LARVADAIN, LYONS, MARCELLE, MCFARLAND, MCKNIGHT, MINCEY, MOORE, PIERRE, RISER, ROMERO, SCHAMERHORN, SCHEXNAYDER, SCHLEGEL, SEABAUGH, STEFANSKI, THOMPSON, VILLIO, WHEAT, WHITE, WILLARD, AND WRIGHT AND SENATOR WHITE

LAW ENFORCEMENT: Provides relative to the funding of bulletproof vests for peace officers

1 AN ACT
2 To amend and reenact R.S. 40:2405.1(A) and to enact R.S. 40:2405.1(E) and (F), relative
3 to the issuance of bulletproof vests to peace officers; to provide relative to funding
4 the acquisition and distribution of bulletproof vests; to create the Department of
5 Public Safety and Corrections Special Protective Equipment Fund; to direct the state
6 treasurer to deposit monies into the fund; to require the Louisiana Commission on
7 Law Enforcement to promulgate rules and regulations with regard to the standards
8 of bulletproof vests; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:2405.1(A) is hereby amended and reenacted and R.S.
11 40:2405.1(E) and (F) are hereby enacted to read as follows:

12 §2405.1. Special equipment provided by Department of Public Safety and
13 Corrections; rules and regulations; creation of fund

14 A. The Department of Public Safety and Corrections, ~~from funds~~
15 ~~appropriated for this purpose~~, shall provide upon request special protective

1 equipment, commonly known as a bulletproof vest, for every ~~"peace officer"~~ peace
2 officer in the state of Louisiana. As used in this Section, "peace officer" means any
3 full-time employee of the state, a municipality, a sheriff, or other public agency,
4 whose principal permanent duties primarily involve the prevention or detection of
5 crime or the enforcement of penal and traffic laws and actually include the making
6 of arrests and the performing of searches and seizures.

7 * * *

8 E. In accordance with the Administrative Procedure Act, the Louisiana
9 Commission on Law Enforcement shall promulgate rules and regulations that are
10 necessary to provide for the standards of bulletproof vests distributed pursuant to this
11 Section and other rules and regulations necessary for the administration and
12 enforcement of this matter.

13 F.(1) There is hereby created in the state treasury, as a special fund, the
14 Department of Public Safety and Corrections Special Protective Equipment Fund,
15 hereinafter referred to in this Section as the "fund". Subject to appropriation by the
16 legislature, monies in the fund shall be used solely for providing bulletproof vests
17 to peace officers as provided in this Section. Monies in the fund shall be invested
18 in the same manner as monies in the state general fund. Interest earned on the
19 investment of monies in the fund shall be deposited in and credited to the fund and
20 all unexpended and unencumbered monies in the fund at the end of the fiscal year
21 shall remain in the fund.

22 (2) Beginning July 1, 2023, and continuing each July first thereafter, the
23 treasurer is hereby authorized and directed to deposit in and credit to the fund eight
24 million five hundred thousand dollars from the state general fund. The treasurer
25 shall also deposit in and credit to the fund all donations, gifts, grants, or other
26 revenue from any source designated for the fund and received or held by the state
27 treasurer.

28 Section 2. This Act shall become effective upon signature by the governor or, if not
29 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 3 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 442 Reengrossed

2023 Regular Session

Edmonds

Abstract: Provides relative to the funding of bulletproof vests for peace officers in the state and requires the La. Commission of Law Enforcement to promulgate rules and regulations necessary to provide for the standards of bulletproof vests.

Present law requires the Dept. of Public Safety and Corrections (DPS&C) to provide bulletproof vests to every peace officer in the state of La. provided that funds are appropriated for this purpose. Further provides that to the extent that funds are not appropriated for this purpose, DPS&C may make available for purchase to law enforcement agencies bulletproof vests no longer utilized by the department for which the manufacturer warranty has expired. Proposed law retains present law.

Proposed law requires the La. Commission on Law Enforcement to promulgate rules and regulations in accordance with present law (Administrative Procedure Act) that are necessary to provide for the standards of bulletproof vests and other rules and regulations necessary for the administration and enforcement of this matter.

Proposed law creates the Dept. of Public Safety and Corrections Special Protective Equipment Fund (fund) in the state treasury for the purposes of funding bulletproof vests for peace officers. Requires monies in the fund to be invested in the same manner as monies in the general fund. Provides that interest earned on investment of monies be credited to the fund and requires that unexpended and unencumbered monies in the fund at the end of the fiscal year remain in the fund.

Proposed law requires the state treasurer, beginning July 1, 2023 and continuing each July first thereafter, to deposit into the fund at the beginning of each fiscal year \$8,500,000 from the state general fund. Proposed law further authorizes the treasurer to deposit into the fund gifts, grants, donations, or monies from any source designated for the fund.

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

(Amends R.S. 40:2405.1(A); Adds R.S. 40:2405.1(E) and (F))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Appropriations to the original bill:

1. Make the bill effective upon signature of the governor or lapse of time for gubernatorial action.
2. Delete requirement that the treasurer deposit at the beginning of each fiscal year \$8.5M in gifts, grants, or donations to the fund.

3. Delete provision authorizing the legislature to appropriate extra monies into the fund.
4. Require the treasurer each July 1st to deposit \$8.5M from the state general fund into the fund.
5. Authorize the treasurer to deposit into the fund all gifts, grants, donations, and other revenues that he receives that are designated for the fund.
6. Reinstate present law regarding Dept. authorization to make available its surplused bulletproof vests if funds are not appropriated to the Dept. for the purchase and distribution of new vests.