

2024 Regular Session

HOUSE BILL NO. 951

BY REPRESENTATIVE JORDAN

POLICE/STATE: Provides for 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),
3 1212.1(F) and R.S. 40:2902, to enact R.S. 15:1204.2(B)(8)(d) and R.S. 40:2903
4 through 2911, and to repeal R.S. 32:398.10, relative to law enforcement; to provide
5 for the data collection by law enforcement agencies; to provide relative to data
6 regarding peace officers, individuals, and certain incidents; to provide for specific
7 information to be collected and submitted; to provide for duties of law enforcement
8 agencies; to provide for duties of the Louisiana Commission on Law Enforcement
9 and Administration of Criminal Justice; to provide for applicability; to provide
10 relative to compliance and noncompliance; to provide for penalties; to provide
11 relative to agency accreditation; to provide for definitions; to provide relative to
12 racial profiling; and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 40:2902 is hereby amended and reenacted to read as follows:

15 §2902. ~~Law Enforcement Data Task Force~~ Definitions

16 ~~A. The Louisiana Legislature hereby creates the Law Enforcement Data Task~~
17 ~~Force to study the collection and analysis of data regarding peace officer interaction~~
18 ~~with the public.~~

19 ~~B.(1) The membership of the task force shall be as follows:~~

- 1 ~~(a)(i) One member shall be appointed by the Louisiana Commission on Law~~
2 ~~Enforcement and Administration of Criminal Justice.~~
- 3 ~~(ii) This member shall not be a voting member.~~
- 4 ~~(iii) This member shall serve as the task force president.~~
- 5 ~~(b) One member shall be appointed by the Louisiana Association of Chiefs~~
6 ~~of Police.~~
- 7 ~~(c) One member shall be appointed by the Louisiana Sheriffs' Association.~~
- 8 ~~(d) One member shall be appointed by the Department of Public Safety and~~
9 ~~Corrections, office of state police.~~
- 10 ~~(e) One member shall be appointed by Pelican Institute for Public Policy.~~
- 11 ~~(f) One member shall be appointed by Southern Poverty Law Center.~~
- 12 ~~(g) One member shall be appointed by Public Affairs Research Council.~~
- 13 ~~(h) One member shall be appointed by American Civil Liberties Union of~~
14 ~~Louisiana.~~
- 15 ~~(i) One member shall be appointed by the Louisiana American Federation~~
16 ~~of Labor-Congress of Industrial Organizations (AFL-CIO).~~
- 17 ~~(j) One member shall be appointed by the Louisiana Supreme Court.~~
- 18 ~~(k) One member shall be appointed by Louisiana Survivors for Reform.~~
- 19 ~~(l) One member shall be appointed by the Louisiana District Attorneys~~
20 ~~Association.~~
- 21 ~~(m) One member shall be appointed by the Louisiana Judicial Council.~~
- 22 ~~(n) One member shall be appointed by the Council on Peace Officer~~
23 ~~Standards and Training.~~
- 24 ~~(o) One member shall be appointed by Sexual Trauma Awareness and~~
25 ~~Response (STAR).~~
- 26 ~~(p) One member shall be appointed by the Integrated Criminal Justice~~
27 ~~Information System Policy Board (ICJIS).~~
- 28 C. The task force meetings shall be subject to the Open Meetings Law.

1 ~~D. A majority of the members of the task force shall constitute a quorum. A~~
2 ~~quorum shall be present to transact any business. The task force shall not create any~~
3 ~~subcommittees, but shall handle all matters before the task force.~~

4 ~~E. The task force shall meet at least quarterly for one year, and the initial~~
5 ~~meeting shall be no later than November 30, 2019. Dates and times for all remaining~~
6 ~~task force meetings shall be agreed upon by all appointed members of the task force.~~

7 ~~F. The task force shall discuss and report on the following topics with~~
8 ~~respect to the collection of data and information by law enforcement agencies:~~

9 ~~(1) Current methods of data collection in the state of Louisiana.~~

10 ~~(2) Current methods of data collection outside the state of Louisiana.~~

11 ~~(3) Current methods of reporting data outside the state of Louisiana.~~

12 ~~(4) Methods of utilizing data collection and reporting to improve public~~
13 ~~safety, community engagement, and public confidence in law enforcement.~~

14 ~~(5) The manner in which rural and small law enforcement agencies currently~~
15 ~~comply with data collection requirements in other states.~~

16 ~~(6) Recommendations on the expansion of data collection and reporting.~~

17 ~~(7) Possible methods of transmitting collected data by law enforcement~~
18 ~~agencies for aggregated presentation.~~

19 ~~(8) A cost analysis for the collection of extensive data, including but not~~
20 ~~limited to the following:~~

21 ~~(a) Traffic stops.~~

22 ~~(b) Pedestrian stops.~~

23 ~~(c) Clearance rates.~~

24 ~~(d) Execution of no-knock warrants.~~

25 ~~(e) Use of special weapons and tactics teams.~~

26 ~~(f) Use of force.~~

27 ~~(9) Current policies against racial profiling utilized by individual law~~
28 ~~enforcement agencies in the state. The task force shall review the policies of each~~

1 ~~law enforcement agency to determine whether the agency is excepted from the~~
2 ~~reporting requirements as provided in R.S. 32:398.10(E).~~

3 G. ~~The task force shall accept written or in-person testimony regarding all~~
4 ~~matters it considers and shall include all relevant public testimony in its final report~~
5 ~~required by Subsection H of this Section.~~

6 H. ~~The task force shall submit a written report to the Louisiana Commission~~
7 ~~on Law Enforcement and Administration of Criminal Justice, the House Committee~~
8 ~~on Judiciary, the Senate Committee on Judiciary B, and the Council on Peace~~
9 ~~Officers Standards and Training by January thirty-first of each calendar year. The~~
10 ~~initial report shall be submitted by the task force on January 31, 2021.~~

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

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

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

17 (3) "Clearance rate" means the percentage of offenses that a law enforcement
18 agency closes by arrest or by exceptional means. If the agency closes the offense
19 "by arrest", this means that at least one person has been arrested, charged with the
20 commission of the offense, and turned over to a court for prosecution. One arrest
21 may result in several offenses cleared, or the arrest of several people may result in
22 only one offense cleared. If the agency closes the offense by "exceptional means",
23 this means that the agency has identified a suspect; gathered enough evidence to
24 support an arrest or a charge and to turn over the suspect to a court for prosecution;
25 identified the suspect's exact location so that the suspect could be taken into custody;
26 and encountered a circumstance outside the control of the agency that prohibits the
27 agency from arresting the suspect.

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

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

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

10 (7) "Law enforcement agency" means any state or local law enforcement
11 agency.

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

14 (9) "Motor vehicle" shall mean any vehicle which is self-propelled, and any
15 vehicle which is propelled by electric power obtained from overhead trolley wires,
16 but not operated upon rails, but excluding a motorized bicycle. "Motor vehicle" shall
17 also include a "low-speed vehicle" which is a four-wheeled electric-powered vehicle
18 with a maximum speed of not less than twenty miles per hour but not more than
19 twenty-five miles per hour and is equipped with the minimum motor vehicle
20 equipment appropriate for vehicle safety as required in 49 C.F.R. 571.500. This
21 includes automobiles, trucks, truck-tractors, trailers, semi-trailers, and motorcycles,
22 propelled by steam, gasoline, electricity, or any other source of energy other than
23 muscular power, except farm implements temporarily operated or moved on a
24 highway or vehicles operated only on rails or tracks thereafter.

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

1 (11) "Peace officer" shall have the same meaning as provided in R.S.
2 40:2402(3).

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

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

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

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

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

25 Section 2. R.S. 40:2903 through 2911 are hereby enacted to read as follows:

26 §2903. Collection of data on traffic stops

27 A. Not later than April first of each year, all law enforcement agencies
28 subject to the requirements of this Chapter shall submit to the commission data on

1 all traffic stops conducted by that agency's peace officer during the preceding
2 calender year.

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

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

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

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

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

13 (a) A verbal or written warning.

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

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

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

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

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

24 (a)(i) The sex, age, and state of residence of the vehicle occupant, provided
25 the identification of these characteristics shall be based on the form of government-
26 issued identification the person has in their possession, or if the vehicle occupant is
27 not carrying government-issued identification, the identification of these
28 characteristics shall be based on the observation and perception of the peace officer.

1 (ii) The peace officer shall not request this information from the vehicle
2 occupant, but may only request the occupant present their government-issued
3 identification.

4 (b)(i) The race of the vehicle occupant, as determined by the peace officer
5 based upon the observation and perception of the officer. The peace officer shall
6 record the vehicle occupant's race and ethnicity as one of the following: American
7 Indian or Alaska Native, Asian, Black or African-American, Hispanic or Latino,
8 Native Hawaiian or Other Pacific Islander, White, or two or more races.

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

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

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

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

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

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

20 (ii) A search incident to arrest.

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

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

27 (8)(a) Whether the peace officer searched the vehicle or any property
28 contained inside the vehicle, including, a search of the vehicle following a request

1 to search the vehicle or any property contained inside the vehicle from the driver or
2 any occupant and whether the consent was granted or refused.

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

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

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

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

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

12 (v) A search incident to arrest.

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

14 (c) Whether the peace officer discovered any contraband or evidence as a
15 result of the search and the contents of the contraband or evidence, including the
16 approximate amounts of controlled dangerous substances or money, is applicable.

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

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

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

24 §2904. Collection of data on pedestrian stops and bicycle stops

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

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

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

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

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

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

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

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

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

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

18 (a)(i) The sex, age, state of residence, race, and ethnicity of the pedestrian
19 or bicyclist, provided the identification of these characteristics shall be based on the
20 observation and perception of the peace officer. The peace officer shall record the
21 pedestrian or bicyclist's race or ethnicity as one of the following: American Indian
22 or Alaska Native, Asian, Black or African-American, Hispanic or Latino, Native
23 Hawaiian or Other Pacific Islander, White, or two or more races.

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

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

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

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

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

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

7 (ii) A search incident to arrest.

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

10 (i) Reasonable suspicion.

11 (ii) Probable cause.

12 (iii) Search incident to arrest.

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

16 (5)(a) Whether the peace officer searched any of the pedestrian or bicyclist's
17 personal effects other than the clothes the pedestrian or bicyclist was wearing,
18 including, whether the peace officer requested consent to search the pedestrian or
19 bicyclist's personal effects and whether the consent was granted or refused.

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

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

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

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

3 (8) 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. General data collection requirements

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 for
8 each of the following incidents, as those terms are defined by this Chapter involving
9 agency's peace officer during the preceding year:

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

11 (2) Use of a no knock warrant.

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

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

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

17 (a) Sex.

18 (b) Age.

19 (c) Race.

20 (d) State of residence.

21 (e) Pregnancy status.

22 (2) When the officer observes the following:

23 (a) Whether the person has a limited English proficiency.

24 (b) Whether the person has physical, mental, or intellectual disabilities.

25 (c) Whether the individual is armed, and if so, with what type of weapon.

26 (d) Whether the individual fled or attempted to flee.

27 (3) The following information shall be submitted regarding each peace
28 officer who is involved in an incident listed in Subsection A:

29 (a) Whether the officer was on duty.

- 1 (b) Whether the officer used force, and if so, what type.
- 2 (c) Whether the officer discharged a weapon.
- 3 (d) Whether the officer gave verbal or nonverbal commands.
- 4 (4) The following information shall be submitted regarding each incident
5 listed in Subsection A:
- 6 (a) Time, date, location, and duration of the incident.
- 7 (b) Number of officers involved.
- 8 (c) Origin of the incident.
- 9 (d) Whether the officer frisked anyone with or without consent.
- 10 (e) Whether the officer discovered any evidence or contraband.

11 §2906. Specific data collection requirements

12 A. Not later than April first of each year, all law enforcement agencies
13 subject to the requirements of this Chapter shall submit to the commission data on
14 all complaints the agency received in the preceding calendar year.

15 (1) The data submission required by this Subsection shall include, at a
16 minimum, the following information for each complaint:

17 (a) The approximate date, time, and location of the incident complained of,
18 as alleged in the complaint.

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

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

23 (i) Whether the complaint alleges that a peace officer impermissibly relied
24 on the complainant's or another person's race or ethnicity in the officer's interaction
25 with the complainant or another person.

26 (ii) Whether the complaint alleges that a peace officer impermissibly relied
27 on the complainant's or another person's status as lesbian, gay, transgender, straight,
28 queer, or gender-nonconforming in the officer's interaction with the complainant or
29 another person.

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

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

5 (v) Whether the complaint alleges that a peace officer improperly searched
6 the complainant, another person, or the complainant's or another person's property.

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

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

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

13 (d) The date the agency received the complaint.

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

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

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

20 (c) If the investigation has been completed, whether the agency informed the
21 complainant of the disposition of the complaint and, if so, the date the agency
22 informed the complainant of the disposition of the complaint.

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

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

26 (b) Whether the agency referred the complaint to a district attorney's office,
27 the office of the attorney general, or a United States attorney's office.

28 B. Not later than April first of each year, all law enforcement agencies
29 subject to the requirements of this Chapter shall submit the following information,

1 at a minimum, to the commission on response times to emergency calls the agency
2 received during the previous calendar year:

3 (1) The date and time the call was made and the location from which the call
4 was made. If possible, the location shall be provided using latitude and longitude
5 coordinates and using the agency's district, zone, and sub-zone designations.

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

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

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

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

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

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

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

21 (1) The peace officer's badge number or unique identifying number.

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

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

1 (4) Whether the peace officer is a former active-duty member of the United
2 States Armed Forces.

3 §2907. General requirements regarding law enforcement data collection and
4 retention; phase implementation; applicability

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

7 (1) Law enforcement agencies overseeing fifty or more peace officers shall
8 begin collecting data on January 1, 2025, and shall make their first submissions to
9 the commission not later than April 1, 2026.

10 (2) Law enforcement agencies overseeing twenty-five to forty-nine peace
11 officers shall begin collecting data on January 1, 2026, and shall make their first
12 submissions to the commission not later than April 1, 2027.

13 (3) Law enforcement agencies overseeing twenty-four or fewer peace
14 officers shall begin collecting data on January 1, 2027, and shall make their first
15 submissions to the commission not later than April 1, 2028.

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

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

21 D. Notwithstanding any other provision of law, the data required to be
22 submitted to the commission pursuant this Chapter shall be a public record within
23 the meaning of R.S. 44:1. The data required to be submitted to the commission
24 pursuant to this Chapter shall not be exempt from public disclosure under R.S. 44:3
25 et seq. Nothing in this Chapter shall require law enforcement agencies to submit
26 names, residence addresses, home telephone numbers, social security numbers,
27 driver's license numbers, and other unique personally identifying information to the
28 commission, except for peace officers' badge numbers, other unique identifying

1 numbers, and the demographic information required to be submitted pursuant to R.S.
2 40:2906(C).

3 E. Law enforcement agencies who have maintained a qualifying
4 accreditation for the entirety of the calendar year for which they are required to
5 collect and submit data pursuant to this Chapter may satisfy the requirements of this
6 Section by submitting a copy of the annual report and other documents provided to
7 or reviewed by the accrediting agency in order to complete the accrediting process.
8 Such documents shall include the full assessment report for the accrediting period
9 and the annual compliance reports that are required for accreditation. For the
10 purposes of this Section, "qualifying accreditation" shall mean accreditation by a
11 body that awards accreditation on a periodic basis not to exceed five years and has
12 standards and protocols for the profession including recommended or required
13 professional training and which requires a period of self assessment to determine
14 alignment with those standards and which requires independent external assessment
15 of the agency's practices to verify compliance with those professional protocols and
16 standards, and which requires annual compliance reports prior to re-accreditation.

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

20 §2908. Responsibilities of the Louisiana Commission on Law Enforcement and
21 Administration of Criminal Justice

22 A. Not later than March 1, 2025, the commission shall begin the process of
23 promulgating rules and regulations, by publishing notice of the intent to promulgate
24 rules and regulations in accordance with the Louisiana Administrative Procedure
25 Act, R.S. 49:950 et seq., for the collection and submission of data required by this
26 Chapter. Such proposed rules and regulations may provide standards, definitions,
27 and technical specifications to ensure uniform collection and submission practices
28 across all law enforcement agencies. To the extent possible, such proposed rules and

1 regulations shall be compatible with any similar federal data collection and reporting
2 program.

3 B. Not later than July 1, 2025, the commission shall establish, through
4 electronic data processing and related procedures, a system by which the data
5 required by this Chapter to be collected can be electronically submitted by law
6 enforcement agencies to the commission in a standardized format. The commission
7 shall also develop and disseminate to law enforcement agencies paper forms to
8 standardize data collection and to assist peace officers in collecting the types of data
9 that are best recorded at the scene of stops and incidents. To the extent possible, the
10 system for electronic data submission and the paper forms shall be compatible with
11 any similar federal data collection and reporting program. Not later than October 1,
12 2025, the commission shall disseminate to all law enforcement agencies detailed
13 instructions for how they may submit data using either the electronic system or paper
14 forms developed by the commission. The commission shall solicit periodic feedback
15 from law enforcement agencies on how the electronic reporting system, paper forms,
16 and instructions could be improved and shall update the electronic reporting system,
17 paper forms, and instructions as appropriate.

18 C. Not later than December 31, 2026, and December thirty-first of each
19 subsequent year, the commission shall publish an annual report that analyzes the data
20 submitted to it pursuant to this Chapter. The commission shall make all such annual
21 reports available for download on its website. Such annual reports shall include the
22 name and contact information for each law enforcement agency that failed to submit
23 the data required by this Chapter.

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

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

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

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

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

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

13 (2) To measure statistical significance, the commission shall use indicators
14 that are widely accepted in statistical and econometric disciplines, including, but not
15 limited to, significance levels of five percent or less. The commission shall consult
16 evidence-based research, including research published in peer-reviewed scholarly
17 journals, to determine reasonable benchmark populations for use in all comparative
18 analyses.

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

25 D. The commission shall make available for download on its website all raw
26 data received from law enforcement agencies. All data shall be made available for
27 download in a comma-separated values format and in any other formats the
28 commission determines would facilitate public access and analysis. To the best
29 extent possible, the publication of raw data pursuant to this Subsection shall be done

1 using an "Open Data" website that is included in the U.S. General Service
2 Administration's "Data.gov" catalog. The commission shall not remove past years'
3 data, even if the data are older than three years.

4 E. Notwithstanding any other law, the data and reports required to be made
5 available pursuant to this Section shall be public records within the meaning of R.S.
6 44:1. The data and reports required to be made available pursuant to this Section
7 shall not be exempt from public disclosure under R.S. 44:3. Nothing in this Chapter
8 shall be intended to authorize the commission to publish or release names, residence
9 addresses, home telephone numbers, Social Security numbers, driver's license
10 numbers, and other unique personally identifying information, except for law
11 enforcement officers' badge numbers.

12 §2909. Penalties for law enforcement agency's failure to collect or submit data

13 A. If a law enforcement agency fails to comply with the provisions of this
14 Chapter, the commission shall withhold all federal- or state-sourced funds that the
15 commission would otherwise disburse to the agency, except for funds whose primary
16 purpose is to enhance the capacity of the agency to collect and submit the data
17 required by this Chapter, until the commission has verified that the agency has
18 submitted all the data the agency is reasonably capable of collecting and submitting.
19 The funds that the commission shall withhold from non-compliant agencies include,
20 but are not limited to, funds from the Edward Byrne Memorial Justice Assistant
21 Grant program that the state of Louisiana makes available to units of local
22 government under 34 U.S.C. §10156(c)(2) and (e)(2). The commission shall
23 promulgate rules and regulations for carrying out its duties under this Subsection.

24 B. If a sheriff, chief of police of a police department, the superintendent of
25 the New Orleans Police Department, or the superintendent of the Louisiana State
26 Police intentionally fails to collect and submit the data required by this Chapter, the
27 law enforcement agency shall be liable to the state for a civil penalty in an amount
28 not to exceed five thousand dollars for each intentional, substantial failure to submit
29 data in accordance with this Chapter, for each year in which the agency is required

1 to collect and submit data. The attorney general may sue to collect a civil penalty
2 under this Subsection in accordance with the following provisions:

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

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

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

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

23 §2910. Civil injunctive remedies for law enforcement agency's failure to collect or
24 submit data

25 A. An organization with tax-exempt status under Section 501(c)(3) of the
26 U.S. Internal Revenue Code (26 U.S.C. §501(c)(3)) and whose mission is to advance
27 civil rights or human rights or to combat various forms of discrimination is hereby
28 determined by the legislature to hold a special interest apart from the interest of the
29 general public sufficient to create a real and actual interest in ensuring that law

1 enforcement agencies comply with the provisions of this Chapter. Such
2 organizations may seek appropriate injunctive relief in a civil action against any head
3 of a law enforcement agency for failing to collect or submit data pursuant to this
4 Chapter. The organization need not be registered with the Louisiana Secretary of
5 State.

6 B. Before filing a civil action under this Section, the organization shall send
7 a written notice to the law enforcement agency that is failing to comply with the
8 provisions of this Chapter. The notice shall set forth with particularity the ways in
9 which the organization believes the law enforcement agency is failing to comply
10 with the provisions of this Chapter. The organization shall send copies of the notice
11 to the attorney general and the commission. The organization shall wait thirty days
12 from the date of sending written notice and comply with the following provisions:

13 (1) If, before the thirty-day period passes, the organization receives written
14 notice from the attorney general that the attorney general has commenced a civil
15 action against the agency pursuant to Subsection C, the organization must wait until
16 the attorney general's suit concludes to institute its own action.

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

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

25 D. Procedural requirements. In any suit filed by an organization or the
26 attorney general pursuant to this Section, the head of the agency shall be named in
27 his official capacity as the defendant. The civil action shall be filed in the district
28 court having jurisdiction over the agency. The suit shall be tried by preference and
29 in a summary manner. The court shall have jurisdiction to enjoin the head of the law

1 enforcement agency from failing to comply with the provisions of this Chapter. The
2 court shall determine the matter de novo and the burden is on the head of the law
3 enforcement agency to demonstrate, by a preponderance of the evidence, that the law
4 enforcement agency is in substantial compliance with the requirements of this
5 Chapter. Any noncompliance with the order of the court may be punished as
6 contempt of court.

7 E. Any organization that meets the requirements of Subsection A may be
8 awarded costs, attorneys' fees, and expert fees if it prevails in a civil action filed
9 pursuant to this Section. If the court orders costs and fees to be paid, the official
10 found to be in non-compliance with the provisions of this Chapter shall pay any such
11 costs, attorneys' fees, and expert fees out of the budget of the agency overseen by the
12 official. An award for attorney fees in any suit brought under the provisions of this
13 Section shall not exceed the amounts approved by the attorney general for the
14 employment of outside counsel.

15 §2911. Civil injunctive remedies for a failure by the commission to publish annual
16 reports or data

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

26 B. In any suit filed by an organization pursuant to this Section, the chairman
27 of the commission shall be named as the defendant in his official capacity as the
28 chairman. The civil action shall be filed in the nineteenth judicial district court. The
29 suit shall be tried by preference and in a summary manner. The court shall have

1 jurisdiction to enjoin the executive director of the commission from failing to publish
2 the annual reports and raw data required by this Chapter. The court shall determine
3 the matter de novo and the burden is on the executive director of the commission to
4 demonstrate, by a preponderance of the evidence, that the commission has complied
5 with the provisions of this Chapter. Any noncompliance with the order of the court
6 may be punished as contempt of court.

7 C. Any injunction issued by a court pursuant to this Section is hereby
8 determined not to violate R.S. 13:4062 or Louisiana Code of Civil Procedure Article
9 3601(A) and shall be considered an exception to those provisions.

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

12 Section 3. R.S. 15:1204.2(A) and (B)(1) and (8)(c), 1204.5, 1212(B)(4), and
13 1212.1(F) are hereby amended and reenacted and R.S. 15:1204.2(B)(8)(d) is hereby enacted
14 to read as follows:

15 §1204.2. Creation of system; functions; powers; duties

16 A. There is hereby created within the Louisiana Commission on Law
17 Enforcement and the Administration of Criminal Justice, hereinafter referred to as
18 the "commission", a Louisiana Uniform Crime Reporting System, hereinafter
19 referred to as the "system". All Louisiana law enforcement agencies employing one
20 or more peace officers as defined in R.S. 40:2402 shall report to the system all data
21 requested by the Federal Bureau of Investigation. The commission may appoint such
22 employees, agents, consultants, and special committees as it may deem necessary to
23 properly manage the system.

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

26 (1) To establish, through electronic data processing and related procedures,
27 a system by which relevant information can be collected, coordinated, analyzed, and
28 made readily available to serve qualified agencies concerned with the administration
29 of criminal justice located anywhere in the state. The commission shall prescribe

1 standards and technical specifications to ensure uniform data collection submission
2 practices across all law enforcement agencies and shall prescribe the terms and
3 conditions under which ~~such~~ all law enforcement agencies shall ~~contribute or gain~~
4 access to information contained in the system files.

5 * * *

6 (8)

7 * * *

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

12 (d) A sufficient number of copies of all reports shall be printed for
13 distribution to the governor, the chairman of the House Committee on
14 Administration of Criminal Justice, and the chairman of the Senate Committee on
15 Judiciary C, and as many others as may be requested. The report shall be made
16 available electronically on the commission's website to all public officials in the state
17 dealing with crimes or criminals and for general distribution in the interest of public
18 enlightenment.

19 * * *

20 §1204.5. Penalties

21 The commission ~~may impose reasonable administrative sanctions as it deems~~
22 ~~appropriate against~~ shall withhold from those law enforcement agencies ~~who~~ that fail
23 to comply with the reporting requirements of the Uniform Crime Reporting System
24 all federal or state sourced funds that the commission would otherwise disburse to
25 the agency, except for funds whose primary purpose is to enhance the capacity of the
26 agency to comply with the reporting requirements of the Uniform Crime Reporting
27 System, until the commission has verified that the agency has reported all the data
28 the agency is reasonably capable of collecting and reporting. ~~These sanctions~~
29 ~~include the preclusion of a subject agency's participation in any of the grant~~

1 ~~programs operated by the commission.~~ The funds that the commission shall
2 withhold from non-compliant agencies include but are not limited to funds from the
3 Edward Byne Memorial Justice Assistant Grant program that the state of Louisiana
4 makes available to units of local government under 34 U.S.C. §10156(c)(2) and
5 (e)(2).

6 * * *
7 §1212. Creation of database; functions

8 * * *
9 B. The commission shall be the central depository for all information

10 submitted for entry into the database by law enforcement agencies, correctional
11 agencies, and institutions and shall have the following functions, powers, and duties:

12 * * *

13 (4) To prepare and distribute, to all such persons and agencies, forms to be
14 used in reporting data to the database. The forms shall provide for detailed
15 information regarding the following information for all law enforcement officers
16 overseen by the agency:

17 (a) ~~the~~ The name of the law enforcement officer;

18 (b) ~~the~~ The law enforcement officer's designated position;

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

21 (d) ~~the~~ The law enforcement officer's hire date;

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

24 (f) ~~the~~ The final disposition of disciplinary actions against the law
25 enforcement officer that result in involuntary termination, resignations in lieu of
26 termination, resignations pending an investigation;

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

- (3) Deployment of special weapons and tactics (S.W.A.T.) teams.
- (4) Traffic stops.
- (5) Pedestrian and bicycle stops.
- (6) Complaints against peace officers.
- (7) 911 emergency calls.

Proposed law requires peace officers to report identifying information regarding individuals involved in these proposed law incidents including but not limited to sex, age, race, state of residence, English proficiency, and presence of disabilities.

Proposed law requires peace officers to report information regarding their interactions with individuals including specific information about whether they were on duty, used force, discharged a weapon, or gave any commands.

Proposed law also requires the collection of information specific to peace officers of each law enforcement agency.

Proposed law allows for the collection of data to be phased in to law enforcement agencies across the state. Larger agencies are required to make their first submission of collected information no later than April 1, 2026. Smaller agencies can make their submission by April 1, 2028. 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 a public record.

Proposed law provides that if law enforcement agencies fail to comply, the La. Commission on Law Enforcement and 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 could 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. 32:398.10) 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), 1212.1(F) and R.S. 40:2902; Adds R.S. 15:1204.2(B)(8)(d) and R.S. 40:2903-2911; Repeals R.S. 32:398.10)