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HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Hazel to Reengrossed Senate Bill No. 159 by Senator Morrell

1 AMENDMENT NO. 1

2 Delete House Committee Amendments Nos. 2, 4, 5, and 8 proposed by the House
3 Committee on Municipal, Parochial and Cultural Affairs and adopted by the House of
4 Representatives on May 28, 2013

5 AMENDMENT NO. 2

6 On page 1, line 3, after "employment" delete the semi-colon ";" and insert "administered or
7 managed by the city of New Orleans or any other entity;"

8 AMENDMENT NO. 3

9 On page 1, line 5, before "and to provide" insert "to authorize the subpoena of certain
10 records regarding detail or secondary employment;"

11 AMENDMENT NO. 4

12 On page 1, at the end of line 9, after "**employment**" insert a semi-colon ";" and "**city of New**
13 **Orleans**"

14 AMENDMENT NO. 5

15 On page 1, delete lines 10 through 13 in their entirety and insert the following:

16 **"A.(1) The managing director and employees of the Office of Police and**
17 **Secondary Employment (OPSE), or its successor, may only communicate with**
18 **the New Orleans Police Department, its staff, officers, or superintendent**
19 **regarding matters concerning paid detail or secondary employment**
20 **assignments. All other matters shall be communicated in writing, in a**
21 **standardized format available for public review. The provisions of this**
22 **Subsection shall not apply to the Public Integrity Bureau.**

23 **(2) The provisions of this Section shall apply to any other entity which**
24 **may be created, or which supercedes OPSE, to oversee or manage paid details**
25 **or secondary employment of New Orleans city police officers.**

26 **B.(1) The office of the independent police monitor shall investigate any**
27 **complaint concerning any detail or secondary employment of a New Orleans**
28 **city police officer. In addition, the office of the independent police monitor may**
29 **examine, review, audit, inspect, and investigate the records, books, reports,**
30 **documents, papers, correspondence, accounts, audits, inspections, reviews,**
31 **recommendations, plans, films, tapes, pictures, computer hard drives, software**
32 **data, hardware data, e-mails, instant messages, text messages, and any other**
33 **data and material relevant to any detail or secondary employment complaint**
34 **and may issue an administrative subpoena duces tecum to require the**
35 **production of books, records, documents, or other evidence deemed relevant or**
36 **material to an investigation. The subpoena duces tecum shall comply with all**
37 **applicable constitutionally established rights and processes.**

1 (a) The subpoena duces tecum may be served by certified mail, return
2 receipt requested, at the addressee's residence or business address.

3 (b) The entity receiving the subpoena duces tecum may file a motion with
4 the Civil District Court for the parish of Orleans to amend or quash the
5 subpoena. The motion shall be filed any time before the date for attendance or
6 compulsion specified in the subpoena or within twenty days after the subpoena
7 duces tecum has been served, whichever is earlier. In no event shall any penalty
8 attach to the recipient of such an administrative subpoena duces tecum for
9 failure to respond without an order from the Civil District Court for the parish
10 of Orleans.

11 (c) If the subpoena duces tecum is not quashed and is not complied with
12 by the date for production of documents, the office of the independent police
13 monitor may apply to the Civil District Court for the parish of Orleans for an
14 order compelling compliance with the subpoena. Any person failing to comply
15 with the order compelling compliance shall be adjudged in contempt of court.

16 (d) Any costs and attorney's fees incurred by the office of the
17 independent police monitor shall be taxed against the person who failed or
18 refused to comply with the terms of the subpoena.

19 (e) When the office of the independent police monitor has reason to
20 believe that a person may attempt to conceal or destroy materials essential to
21 an investigation, examination, audit, or inspection, such office may apply by
22 verified petition to the Civil District Court for the parish of Orleans for an
23 order protecting the materials from concealment or destruction. The court may
24 order and fix the amount of a bond to be posted and conditioned upon
25 compliance with the terms of the subpoena. The order shall be directed to the
26 person upon whom the subpoena will be served and to any other person
27 necessary to protect the materials from concealment or destruction.

28 (2) The office of the independent police monitor may examine the
29 accounts and books of OPSE, or any other entity which may be created, or
30 which supercedes the Office of Police and Secondary Employment, to oversee
31 or manage paid details or secondary employment of New Orleans city police
32 officers."

33 AMENDMENT NO. 6

34 On page 1, delete line 14 in its entirety and insert the following:

35 "C.(1) The head of OPSE shall"

36 AMENDMENT NO. 7

37 On page 1, line 17, after "officer" delete the comma "," and delete the remainder of the line
38 and on page 2, delete lines 1 and 2 and insert a period "."

39 AMENDMENT NO. 8

40 On page 2, delete lines 9 and 10 in their entirety

41 AMENDMENT NO. 9

42 On page 2, delete lines 20 through 22 in their entirety and insert the following:

43 "F. All communications of OPSE, its managing director and employees
44 regarding references to police officers, employees of the New Orleans Police
45 Department, and businesses and other contracting entities regarding details or
46 secondary employment shall be subject to a public records request and the
47 information shall be considered a public record pursuant to R.S. 44:1 et seq and
48 shall also be available under the Freedom of Information Act."

1 AMENDMENT NO. 10

2 On page 2, at the end of line 24, after "**Employment**" delete the period "." and insert "**or**
3 **any other entity which may be created, or which supercedes the Office of Police and**
4 **Secondary Employment, to oversee or manage paid details or secondary employment**
5 **of New Orleans city police officers.**"