

2017 Regular Session

HOUSE BILL NO. 276

BY REPRESENTATIVE JAMES

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

LAW ENFORCE/OFFICERS: Provides relative to law enforcement officers while under officer-involved incident investigations

1 AN ACT

2 To amend and reenact R.S. 40:2531(B)(4)(b), relative to law enforcement officers; to
3 provide for officer-involved incidents; to provide relative to securing representation
4 for officer-involved incident investigations; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:2531(B)(4)(b) is hereby amended and reenacted to read as
7 follows:

8 CHAPTER 25. RIGHTS OF LAW ENFORCEMENT OFFICERS

9 WHILE UNDER INVESTIGATION

10 §2531. Applicability; minimum standards during investigation; penalties for failure
11 to comply

12 * * *

13 B. Whenever a police employee or law enforcement officer is under
14 investigation, the following minimum standards shall apply:

15 * * *

16 (4)

17 * * *

18 (b) ~~The (i)~~ Except as otherwise provided in this Subparagraph, the police
19 employee or law enforcement officer shall be granted up to thirty days to secure such
20 representation, during which time all questioning shall be suspended.

1 (ii) If a police employee or law enforcement officer is involved in an officer-
2 involved incident, the police employee or law enforcement officer shall be granted
3 up to fourteen days to secure representation, during which time all questioning shall
4 be suspended. However, if the police employee or law enforcement officer is
5 confined to a medical facility due to injury or illness related to the officer-involved
6 incident, or if two or more police employees or law enforcement officers are
7 involved in the officer-involved incident, the police employees or law enforcement
8 officers shall be granted up to thirty days to secure representation.

9 (iii) For purposes of this Subparagraph, "officer-involved incident" means
10 any incident in which serious bodily injury or death of another individual is caused
11 by any intentional or accidental use of a dangerous or deadly weapon by a police
12 employee or law enforcement officer which results from the efforts of a police
13 employee or law enforcement officer attempting to effectively arrest or otherwise
14 gain control of another or while in police custody.

15 (iv) For purposes of this Subparagraph, "serious bodily injury" means bodily
16 injury which involves unconsciousness, extreme physical pain, protracted or obvious
17 disfigurement, protracted loss or impairment of a bodily member, organ, or mental
18 faculty, or a substantial risk of death.

19 * * *

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 276 Reengrossed 2017 Regular Session James

Abstract: Allows law enforcement officers to secure counsel within 14 days of an officer-involved incident investigation, and provides for exceptions.

Present law requires compliance with the existing minimum standards whenever a police employee or law enforcement officer is under investigation.

Present law gives those employees and officers the right to obtain counsel and allows up to 30 days to secure such representation.

Proposed law retains present law but adds an exception for officer-involved incidents by granting law enforcement officers up to 14 days to secure representation for officer-involved

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incident investigations. Proposed law further provides that if the police employee or law enforcement officer is confined to a medical facility due to injury or illness related to the officer-involved incident, or if two or more officers are involved in the officer-involved incident, the police employees or law enforcement officers have 30 days to secure representation.

(Amends R.S. 40:2531(B)(4)(b))

Summary of Amendments Adopted by House

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

1. Remove all provisions related to administrative leave with and without pay.
2. Allow a police employee or law enforcement officer confined to a medical facility due to injury or illness related to the officer-involved incident, or two or more officers involved in the same officer-involved incident, up to 30 days to secure representation.
3. Make technical amendments.