

2017 Regular Session

HOUSE BILL NO. 473

BY REPRESENTATIVES GAINES, BAGNERIS, GARY CARTER, JIMMY HARRIS,  
JACKSON, AND JAMES

1 AN ACT

2 To amend and reenact R.S. 40:2405(H)(2)(a), (I)(2), and (J) and to enact R.S.  
3 40:2405(H)(2)(c), relative to peace officers; to provide relative to peace officer  
4 certification; to provide for annual training requirements for peace officers to  
5 maintain P.O.S.T. certification; to provide relative to impediments to P.O.S.T.  
6 certification; to provide for revocation of P.O.S.T. certification; to provide for  
7 grounds for revocation; to provide for revocation hearings; and to provide for related  
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:2405(H)(2)(a), (I)(2), and (J) are hereby amended and reenacted  
11 and R.S. 40:2405(H)(2)(c) is hereby enacted to read as follows:

12 §2405. Peace officer training requirements; reimbursement by peace officer

13 \* \* \*

14 H.

15 \* \* \*

16 (2)(a) A person who is not serving as a peace officer, but who retains the  
17 qualifications to do so, as provided in Paragraph (1) of this Subsection, may resume  
18 service as a qualified peace officer during the five-year period ~~without the~~

1           ~~requirement of any further training prior to such resumption~~ provided the officer  
2           successfully requalifies with his or her firearm in accordance with the provisions of  
3           ~~Paragraph (A)(2) of this Section~~ and completes additional annual training for the  
4           year in which the peace officer resumes employment as required and prescribed by  
5           the council.

6   \*           \*           \*

7                   (c) The additional annual training required of officers pursuant to  
8                   Subparagraph (a) of this Paragraph and Paragraph (I)(2) of this Section may be  
9                   available online and at no cost to the peace officer.

10   \*           \*           \*

11                   I. Any person who is enrolled in a law enforcement curriculum and who  
12                   successfully completes a certified Police Officer Standards and Training course or  
13                   academy subsequent to July 1, 2005, and does not begin employment as a peace  
14                   officer upon completion of the course or academy shall maintain their P.O.S.T.  
15                   qualification status for a period of two years provided they meet the following  
16                   requirements:

17   \*           \*           \*

18                                   (2) Satisfactorily fulfill all requirements for annual basic firearms training  
19                                   and any additional training for the year in which the peace officer resumes  
20                                   employment as required and prescribed by the council.

21                                   J.(1) Notwithstanding any provision of law to the contrary, the P.O.S.T.  
22                                   certification of any qualified peace officer, whether employed full-time, part-time,  
23                                   or reserve, shall be ~~immediately~~ revoked upon a ~~conviction of malfeasance in office.~~  
24                                   the occurrence of any of the following conditions:

- 25   (a) A conviction of malfeasance in office.
- 26   (b) A conviction of an offense which results in the individual peace officer's  
27   restriction of his constitutional right to bear arms.

28                                   (2) The Council on Peace Officer Standards and Training may conduct a  
29                                   revocation hearing to determine whether the P.O.S.T. certification of any qualified

1 peace officer, whether employed full-time, part-time, or reserve, shall be revoked if  
2 any of the following conditions occur:

3 (a) The officer has been involuntarily terminated by his employing law  
4 enforcement agency for disciplinary reasons involving an adjudication of civil rights  
5 violations and the officer has exhausted all administrative remedies.

6 (b) The officer has been convicted of a misdemeanor involving the crime of  
7 domestic abuse battery as provided in R.S. 14:35.3 or a felony in any court of the  
8 United States.

9 (c) The officer has failed to complete additional training as required and  
10 prescribed by the council.

11 (d) The officer voluntarily surrenders certification.

12 (e) A judicial disposition in a criminal case results in revocation of  
13 certification.

14 (3) Any hearings conducted by the council or appeal by an officer whose  
15 certification has been revoked shall be conducted according to rules promulgated by  
16 the council.

17 (4) The council shall promulgate rules in accordance with the Administrative  
18 Procedure Act no later than January 1, 2018, subject to the oversight of the House  
19 Committee on Judiciary and the Senate Committee on Judiciary B, to provide  
20 procedures governing revocation hearings.

21 (5) Any peace officer whose certification has been denied or revoked by the  
22 council may file an appeal under the provisions of the Administrative Procedure Act  
23 provided in R.S. 49:964.

1           Section 2. This Act shall become effective upon signature by the governor or, if not  
2 signed by the governor, upon expiration of the time for bills to become law without signature  
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
5 effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_