

ACT No. 271

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 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15 certification has been revoked shall be conducted according to rules promulgated by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.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____