

2018 Regular Session

SENATE BILL NO. 57

BY SENATOR MILKOVICH

LAW ENFORCEMENT. Provides and clarifies the right of law enforcement officers while under investigation. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 40:2531(B)(7), relative to law enforcement; to provide relative  
3 to the rights of law enforcement officers while under investigation; to provide  
4 relative to investigations of alleged criminal activity; and to provide for related  
5 matters.

6 Be it enacted by the Legislature of Louisiana:

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

8 §2531. Applicability; minimum standards during investigation; penalties for failure  
9 to comply

10 \* \* \*

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

13 \* \* \*

14 (7) When a formal, written complaint is made against any police employee  
15 or law enforcement officer, the superintendent of state police or the chief of police  
16 or his authorized representative shall initiate an investigation within fourteen days  
17 of the date the complaint is made. Except as otherwise provided in this Paragraph,

1 each investigation of a police employee or law enforcement officer which is  
2 conducted under the provisions of this Chapter shall be completed within sixty days.  
3 However, in each municipality which is subject to a Municipal Fire and Police Civil  
4 Service law, the municipal police department may petition the Municipal Fire and  
5 Police Civil Service Board for an extension of the time within which to complete the  
6 investigation. The board shall set the matter for hearing and shall provide notice of  
7 the hearing to the police employee or law enforcement officer who is under  
8 investigation. The police employee or law enforcement officer who is under  
9 investigation shall have the right to attend the hearing and to present evidence and  
10 arguments against the extension. If the board finds that the municipal police  
11 department has shown good cause for the granting of an extension of time within  
12 which to complete the investigation, the board shall grant an extension of up to sixty  
13 days. Nothing contained in this Paragraph shall be construed to prohibit the police  
14 employee or law enforcement officer under investigation and the appointing  
15 authority from entering into a written agreement extending the investigation for up  
16 to an additional sixty days. **The police employee or law enforcement officer shall**  
17 **be notified in writing of a pre-disciplinary hearing at least three days prior to**  
18 **scheduling of the pre-disciplinary hearing.** The investigation shall be considered  
19 complete upon ~~notice to the police employee or law enforcement officer under~~  
20 ~~investigation~~ **conducting and completion** of a pre-disciplinary hearing or a  
21 determination of an unfounded or unsustained complaint. Nothing in this Paragraph  
22 shall limit any investigation of alleged criminal activity.

23 \* \* \*

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

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Ashley E. Menou.

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DIGEST

SB 57 Original 2018 Regular Session Milkovich

Present law, relative to the rights of law enforcement officers while under investigation, provides that, as a minimum, when a formal, written complaint is made against any police employee or law enforcement officer, the superintendent of state police or the chief of police or his authorized representative shall initiate an investigation within 14 days of the date the complaint is made. Except as otherwise provided in present law, each such investigation shall be completed within 60 days. However, in each municipality which is subject to a Municipal Fire and Police Civil Service law, the municipal police department may petition the Municipal Fire and Police Civil Service Board for an extension of time within which to complete the investigation. The board shall set the matter for hearing and shall provide notice of the hearing to the police employee or law enforcement officer who is under investigation. The police employee or law enforcement officer who is under investigation shall have the right to attend the hearing and to present evidence and arguments against the extension. If the board finds that the municipal police department has shown good cause for the granting of an extension of time within which to complete the investigation, the board shall grant an extension of up to 60 days. Nothing contained in present law shall be construed to prohibit the police employee or law enforcement officer under investigation and the appointing authority from entering into a written agreement extending the investigation for up to an additional 60 days.

Proposed law requires that the police employee or law enforcement officer be notified in writing of a pre-disciplinary hearing at least three days prior to scheduling of the pre-disciplinary hearing. Otherwise retains present law.

Present law provides that the investigation shall be considered complete upon notice to the police employee or law enforcement officer under investigation of a pre-disciplinary hearing or a determination of an unfounded or unsustained complaint.

Proposed law provides that the investigation shall be considered complete upon conducting and completion of a pre-disciplinary hearing or a determination of an unfounded or unsustained complaint.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:2531(B)(7))