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

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))