
HOUSE COMMITTEE AMENDMENTS

2019 Regular Session

Substitute for Original House Bill No. 506 by Representative Duplessis as proposed by the House Committee on Judiciary

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To enact Chapter 36 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2901 through 2903, relative to law enforcement; to provide for data collection by law enforcement agencies; to provide for the creation of a task force; to provide for membership, duties, and meetings of the task force; to provide specific topics for the task force to study; to provide for definitions; to provide relative to law enforcement policies regarding racial profiling; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 36 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2901 through 2903, is hereby enacted to read as follows:

CHAPTER 36. COLLECTION AND SUBMISSION OF DATA

RELATED TO LAW ENFORCEMENT ACTIVITIES

§2901. Short title

This Chapter may be cited as the "Law Enforcement Data Accountability, Transparency, and Analysis Act" or the "Law Enforcement Data Act".

§2902. Definitions

As used in this Chapter, the following terms shall have the meanings ascribed to them in this Section, unless the context clearly indicates otherwise:

(1) "Clearance rate" means the percentage of offenses that a law enforcement agency closes by arrest or by exceptional means. If the agency closes the offense "by arrest", this means that at least one person has been arrested, charged with the commission of the offense, and turned over to a district attorney for prosecution. One arrest may result in several offenses cleared, or the arrest of several people may result in only one offense cleared. If the agency closes the offense by "exceptional

means", this means that the agency has identified a suspect, gathered enough evidence to support an arrest or a charge and to turn over the suspect to a district attorney for prosecution, identified the suspect's exact location so that the suspect can be taken into custody, and encountered a circumstance outside the control of the agency that prohibits the agency from arresting the suspect.

(2) "Commission" means the Louisiana Commission on Law Enforcement and Administration of Criminal Justice.

(3) "Law enforcement agency" means any state or local law enforcement agency.

(4) "Motor vehicle" shall mean any vehicle which is self-propelled and any vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and excludes a motorized bicycles. "Motor vehicle" shall also include a "low-speed vehicle" which is a four-wheeled, electric-powered vehicle with a maximum speed of not less than twenty miles per hour but not more than twenty-five miles per hour and is equipped with the minimum motor vehicle equipment appropriate for vehicle safety as required in 49 CFR 571.500. This includes automobiles, trucks, truck-tractors, trailers, semitrailers, and motorcycles, propelled by steam, gasoline, electricity, or any other source of energy other than muscular power, except farm implements temporarily operated or moved on a highway or vehicles operated only on rails or tracks constructed therefor.

(5) "No-knock search warrant" means a search warrant that authorizes the peace officers executing the warrant to enter a dwelling or another building without knocking on the door of the entrance to the dwelling or building and announcing their presence.

(6) "Peace officer" shall have the same meaning as provided in R.S. 40:2402(3).

(7) "Pedestrian stop" means any detention of a pedestrian initiated by a peace officer. The term does not apply to instances in which a peace officer detains and frisks a person at the entrance or exit to a controlled area.

(8) "Special weapons and tactics team" or "S.W.A.T." means a unit within a law enforcement agency that is trained to deal with situations of unusual danger, especially when requiring aggressive tactics or enhanced firepower.

(9) "Traffic stop" means any detention of the occupants of a motor vehicle initiated by a peace officer. The term does not apply to instances in which peace officers respond to traffic accidents.

(10) "Use of force" means any physical effort to compel compliance by an unwilling person, except for hand control techniques applied for the purposes of handcuffing an unresisting person and escort techniques not used as pressure point compliance techniques or to overcome resistance. A use of force shall include but shall not be limited to: pointing a firearm at a person, discharge of a firearm, a canine bite, pressure point compliance techniques, or joint-manipulation techniques; wristlocks, armbars, leg sweeps, weaponless-defense techniques, and takedowns; discharge of a device containing oleoresin capsicum or a similar irritant; discharge of a conducted-energy weapon; chokeholds; and strikes, blows, and kicks.

§ 2903. Law Enforcement Data Task Force

A. The Louisiana Legislature hereby creates the Law Enforcement Data Task Force to study the collection and analysis of data regarding peace officer interaction with the public.

B.(1) The membership of the task force shall be as follows:

(a)(i) One member shall be appointed by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice.

(ii) This member shall not be a voting member.

(iii) This member shall serve as the task force president.

(b) One member shall be appointed by the Louisiana Association of Chiefs of Police.

(c) One member shall be appointed by the Louisiana Sheriffs' Association.

(d) One member shall be appointed by the Department of Public Safety and Corrections, office of state police.

(e) One member shall be appointed by Pelican Institute for Public Policy.

(f) One member shall be appointed by Southern Poverty Law Center.

(g) One member shall be appointed by Public Affairs Research Council.

(h) One member shall be appointed by American Civil Liberties Union of Louisiana.

(i) One member shall be appointed by the Louisiana American Federation of Labor-Congress of Industrial Organizations (AFL-CIO).

(j) One member shall be appointed by the Louisiana Supreme Court.

(k) One member shall be appointed by Louisiana Survivors for Reform.

(l) One member shall be appointed by the Louisiana District Attorneys Association.

(m) One member shall be appointed by the Louisiana Judicial Council.

C. The task force meetings shall be subject to the Open Meetings Law.

D. The task force shall not create any subcommittees, but shall handle all matters before the task force.

E. The task force shall meet at least quarterly for one year, and the initial meeting shall be no later than November 30, 2019. Dates and times for all remaining task force meetings shall be agreed upon by all appointed members of the task force.

F. The task force shall discuss and report on the following topics with respect to the collection of data and information by law enforcement agencies:

(1) Current methods of data collection in the state of Louisiana.

(2) Current methods of data collection outside the state of Louisiana.

(3) Current methods of reporting data outside the state of Louisiana.

(4) Methods of utilizing data collection and reporting to improve public safety, community engagement, and public confidence in law enforcement.

(5) The manner in which rural and small law enforcement agencies currently comply with data collection requirements in other states.

(6) Recommendations on the expansion of data collection and reporting.

(7) Possible methods of transmitting collected data by law enforcement agencies for aggregated presentation.

(8) A cost analysis for the collection of extensive data, including but not limited to the following:

- (a) Traffic stops.
- (b) Pedestrian stops.
- (c) Clearance rates.
- (d) Execution of no-knock warrants.
- (e) Use of special weapons and tactics teams.
- (f) Use of force.

(9) Current policies against racial profiling utilized by individual law enforcement agencies in the state. The task force shall review the policies of each law enforcement agency to determine whether the agency is excepted from the reporting requirements as provided in R.S. 32:398.10(E).

G. The task force shall accept written or in-person testimony regarding all matters it considers and shall include all relevant public testimony in its final report required by Subsection H of this Section.

H. The task force shall submit a written report to the Louisiana Commission on Law Enforcement and the Administration of Criminal Justice, the House Committee on Judiciary, and the Senate Committee on Judiciary B by January thirty-first of each calendar year. The initial report shall be submitted by the task force on January 31, 2021.

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 Draft

2019 Regular Session

Abstract: Provides for the collection and reporting of certain data and information by law enforcement agencies; and creates the Law Enforcement Data Task Force.

Proposed law creates the Law Enforcement Data Task Force to study the collection and analysis of certain law enforcement -related activities.

Proposed law provides that the task force shall be made up of thirteen members appointed by specific entities and provides for the frequency of task force meetings.

Proposed law provides for the specific topics that the task force is required to study and discuss, and requires the task force to submit its initial report by January 31, 2021, and to continue to report by January 31st each year thereafter.

Present law (R.S. 32:398.10) requires peace officers to collect information on the number of persons stopped for traffic violations and the demographics of those persons, the nature of the stop, and whether a citation or warrant was issued, an arrest made, or a search conducted. Proposed law requires the created task force to collect individual agency's policies regarding the collection of this data. The task force shall review each policy and determine which agency shall be exempt from the regulations of R.S. 32:398.10(E).

(Adds R.S. 40:2901-2903)