

2021 Regular Session

SENATE BILL NO. 34

BY SENATOR FIELDS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LAW ENFORCEMENT. Provides for responsibilities of law enforcement officers while interacting with the public. (8/1/21)

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AN ACT

To amend and reenact R.S. 40:2404.2(C) and to enact Chapter 25-A of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2551 through 2553, and Code of Criminal Procedure Article 162.3, relative to law enforcement; to provide for requirements for grant applications; to provide for recruitment of minorities; to provide for body cameras; to provide for motor vehicle dash cameras; to restrict use of neck restraints; to restrict the use of no-knock warrants; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2404.2(C) is hereby amended and reenacted, and Chapter 25-A of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2551 through 2553, is hereby enacted to read as follows:

§2404.2. Minimum training requirements; basic curriculum; annual training

* * *

C.**(1)** No later than January 1, 2018, the council shall develop and implement curriculum for de-escalation, bias policing recognition, sudden in-custody death, and crisis intervention training, which shall include training for law enforcement

1 interaction with persons with mental illness and persons with developmental
2 disabilities, for peace officers that consists of classroom or internet instruction, or
3 both.

4 (2) No later than January 1, 2022, the council shall develop and
5 implement curriculum to provide instruction for law enforcement personnel on
6 the duty to intervene which shall include training that consists of classroom or
7 internet instruction, or both.

8 * * *

9 CHAPTER 25-A. RESPONSIBILITIES OF LAW ENFORCEMENT

10 OFFICERS WHILE INTERACTING WITH THE PUBLIC

11 §2551. Use of body worn cameras

12 No later than January 1, 2022, any law enforcement agency that utilizes
13 body worn cameras shall adopt a policy regarding the activation and
14 deactivation of such cameras by the officer.

15 §2552. Use of motor vehicle dash cameras

16 No later than January 1, 2022, any law enforcement motor vehicle that
17 is equipped with a dash camera that has the technology to automatically record
18 upon the activation of the motor vehicle's police emergency lights shall utilize
19 that technology.

20 §2553. Neck restraint prohibition

21 The use of choke holds and carotid holds are prohibited, except when the
22 officer reasonably believes he or another person is at risk of great bodily harm
23 or when deadly force is authorized.

24 Section 2. Code of Criminal Procedure Article 162.3 is hereby enacted to read as
25 follows:

26 Art. 162.3. No-knock warrant

27 A. No law enforcement officer shall seek, execute, or participate in the
28 execution of a no-knock warrant, except in cases where both of the following
29 apply:

1 (1) The affidavit supporting the request for the warrant establishes
2 probable cause that exigent circumstances exist requiring the warrant to be
3 executed in a no-knock manner. For purposes of this Subparagraph, exigent
4 circumstances shall include circumstances where the surprise of a no-knock
5 entry is necessary to protect life and limb of the law enforcement officers and
6 the occupants.

7 (2) The copy of the warrant being executed that is in the possession of
8 law enforcement officers to be delivered as provided in Paragraph C of this
9 Article includes the judge's signature.

10 B. A search warrant authorized under this Article shall require that a
11 law enforcement officer be recognizable and identifiable as a uniformed law
12 enforcement officer and provide audible notice of his authority and purpose
13 reasonably expected to be heard by occupants of such place to be searched prior
14 to the execution of such search warrant.

15 C. After entering and securing the place to be searched and prior to
16 undertaking any search or seizure pursuant to the search warrant, the
17 executing law enforcement officer shall read and give a copy of the search
18 warrant to the person to be searched or the owner of the place to be searched
19 or, if the owner is not present, to any occupant of the place to be searched. If the
20 place to be searched is unoccupied, the executing law enforcement officer shall
21 leave a copy of the search warrant suitably affixed to the place to be searched.

22 D. Search warrants authorized under this Article shall be executed only
23 in the daytime except in either of the following instances:

24 (1) A judge authorizes the execution of such search warrant at another
25 time for good cause shown.

26 (2) The search warrant is for the withdrawal of blood. A search warrant
27 for the withdrawal of blood may be executed at any time of day.

28 E. Any evidence obtained from a search warrant in violation of this
29 Article shall not be admitted into evidence for prosecution.

1 **F. For purposes of this Article, "no-knock warrant" means a warrant**
 2 **issued by a judge that allows law enforcement to enter a property without**
 3 **immediate prior notification of the residents, such as by knocking or ringing a**
 4 **doorbell.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alan Miller.

DIGEST

SB 34 Original

2021 Regular Session

Fields

Present law requires the Council on Peace Officer Standards and Training (council) to develop and implement curriculum for de-escalation, bias policing recognition, sudden in-custody death, and crisis intervention training, which shall include training for law enforcement interaction with persons with mental illness and persons with developmental disabilities, for peace officers that consists of classroom or internet instruction, or both, no later than January 1, 2018.

Proposed law retains present law and further requires the council to develop and implement curriculum to provide instruction for law enforcement personnel on the duty to intervene which shall include training that consists of classroom or internet instruction, or both, no later than January 1, 2022.

Proposed law requires any law enforcement agency that utilizes body worn cameras to have a policy regarding the activation and deactivation of such cameras by the officer no later than January 1, 2022.

Proposed law requires any law enforcement motor vehicle that is equipped with a dash camera that has the technology to automatically record upon the activation of the motor vehicle's police emergency lights to utilize that technology no later than January 1, 2022.

Proposed law prohibits the use of choke holds and carotid holds, except when the officer reasonably believes he or another person is at risk of great bodily harm or when deadly force is authorized.

Proposed law provides that no law enforcement officer shall seek, execute, or participate in the execution of a no-knock search warrant, except in cases where both of the following apply:

- (1) The affidavit supporting the request for the warrant establishes probable cause that exigent circumstances exist requiring the warrant to be executed in a no-knock manner. Exigent circumstances include circumstances where the surprise of a no-knock entry is necessary to protect life and limb of the law enforcement officers and the occupants.
- (2) The copy of the warrant being executed that is in the possession of law enforcement officers to be delivered includes the judge's signature.

Proposed law provides that a search warrant authorized under proposed law shall require that a law enforcement officer be recognizable and identifiable as a uniformed law enforcement officer and provide audible notice of his authority and purpose reasonably expected to be heard by occupants of such place to be searched prior to the execution of such search warrant.

Proposed law provides that after entering and securing the place to be searched and prior to undertaking any search or seizure pursuant to the search warrant, the executing law enforcement officer shall read and give a copy of the search warrant to the person to be searched or the owner of the place to be searched or, if the owner is not present, to any occupant of the place to be searched.

Proposed law provides that if the place to be searched is unoccupied, the executing law enforcement officer shall leave a copy of the search warrant suitably affixed to the place to be searched.

Proposed law requires that search warrants authorized under proposed law be executed only in the daytime except in either of the following instances:

- (1) A judge authorizes the execution of such search warrant at another time for good cause shown.
- (2) The search warrant is for the withdrawal of blood. A search warrant for the withdrawal of blood may be executed at any time of day.

Proposed law prohibits any evidence obtained from a search warrant in violation of proposed law from being admitted into evidence for prosecution.

Proposed law defines "no-knock warrant" as a warrant issued by a judge that allows law enforcement to enter a property without immediate prior notification of the residents, such as by knocking or ringing a doorbell.

Effective August 1, 2021.

(Amends R.S. 40:2404.2(C); adds R.S. 40:2551-2553, and Code of Criminal Procedure Article 162.3)