

2021 Regular Session

SENATE BILL NO. 34

BY SENATORS FIELDS AND CARTER

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)

1 AN ACT

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

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:2404.2(C) is hereby amended and reenacted, and Chapter 25-A
10 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2551 through
11 2553, is hereby enacted to read as follows:

12 §2404.2. Minimum training requirements; basic curriculum; annual training

13 * * *

14 C.(1) No later than January 1, 2018, the council shall develop and implement
15 curriculum for de-escalation, bias policing recognition, sudden in-custody death, and
16 crisis intervention training, which shall include training for law enforcement
17 interaction with persons with mental illness and persons with developmental

1 disabilities, for peace officers that consists of classroom or internet instruction, or
2 both.

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

7 * * *

8 CHAPTER 25-A. RESPONSIBILITIES OF LAW ENFORCEMENT

9 OFFICERS WHILE INTERACTING WITH THE PUBLIC

10 §2551. Use of body worn cameras

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

14 §2552. Use of motor vehicle dash cameras

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

19 §2553. Neck restraint prohibition

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

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

25 Art. 162.3. No-knock warrant

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

29 (1) The affidavit supporting the request for the warrant establishes

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

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

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

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

21 D. Search warrants authorized under this Article shall be executed only
22 from sunrise to sunset except in either of the following instances:

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

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

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

29 F. For purposes of this Article, "no-knock warrant" means a warrant

1 issued by a judge that allows law enforcement to enter a property without
 2 immediate prior notification of the residents, such as by knocking or ringing a
 3 doorbell.

4 G. For the purposes of this Article, only a district court judge may issue
 5 a no-knock warrant.

The original instrument was prepared by Alan Miller. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

DIGEST

SB 34 Reengrossed

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 from sunrise to sunset 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.

Proposed law provides that only a district court judge may issue a no-knock warrant under proposed law.

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)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Changes the term from "in the daytime" to "from sunrise to sunset" when search warrants may be executed under proposed law.
2. Provides that only a district court judge may issue no-knock warrants under proposed law.