HLS 21RS-381 ENGROSSED

2021 Regular Session

HOUSE BILL NO. 430

BY REPRESENTATIVE JAMES

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

LAW ENFORCE/OFFICERS: Provides relative to the officer's bill of rights

1	AN ACT
2	To amend and reenact R.S. 40:2531(B)(4)(b)(i) and (ii) and (7) and to enact R.S.
3	40:2533(D), relative to time periods for officer disciplinary matters; to provide for
4	time limits relative to officer representation; to provide for time limits relative to
5	length of investigation of an officer; to provide for time limits relative to officer
6	personnel files; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 40:2531(B)(4)(b)(i) and (ii) and (7) are hereby amended and
9	reenacted and R.S. 40:2533(D) is hereby enacted to read as follows:
10	§2531. Applicability; minimum standards during investigation; penalties for failure
11	to comply
12	* * *
13	B. Whenever a police employee or law enforcement officer is under
14	investigation, the following minimum standards shall apply:
15	* * *
16	(4)
17	* * *
18	(b)(i) Except as otherwise provided in this Subparagraph, the police
19	employee or law enforcement officer shall be granted up to thirty fourteen days to
20	secure such representation, during which time all questioning shall be suspended.
21	(ii) If a police employee or law enforcement officer is involved in an
22	officer-involved incident, the police employee or law enforcement officer shall be

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granted up to fourteen days to secure representation, during which time all questioning shall be suspended. However, if the police employee or law enforcement officer is confined to a medical facility, or otherwise incapacitated, due to injury or illness related to the officer-involved incident, or if two or more police employees or law enforcement officers are involved in the officer-involved incident, the police employees or law enforcement officers shall be granted up to thirty days to secure representation.

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(7) 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 fourteen days of the date the complaint is made. Except as otherwise provided in this Paragraph, each investigation of a police employee or law enforcement officer which is conducted under the provisions of this Chapter shall be completed within sixty seventy-five days, inclusive of Saturdays, Sundays, and legal holidays. 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 the 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 sixty days. Nothing contained in this Paragraph 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 sixty days. The investigation shall be considered complete upon

1	notice to the police employee or law enforcement officer under investigation of a
2	pre-disciplinary hearing or a determination of an unfounded or unsustained
3	complaint. The notice may be given in writing or electronically. The notice is
4	considered received by the police employee or law enforcement officer under
5	investigation on the date sent, provided it is sent to the department email address or
6	home address in the personnel file of the police employee or law enforcement
7	officer. Nothing in this Paragraph shall limit any investigation of alleged criminal
8	activity.
9	* * *
10	§2533. Personnel files
11	* * *
12	D. Sustained complaints of the law enforcement officer shall remain in the
13	officer's personnel file for a period of at least ten years.

## **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 430 Engrossed

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James

**Abstract:** Reduces the time for an officer to secure representation, extends the time period for the investigation of an officer, and provides for the time period sustained complaints remain in an officer's file.

Present law sets the time period for an officer to secure representation at 30 days.

<u>Proposed law</u> changes the time period for an officer to secure representation <u>from</u> 30 days to 14 days.

<u>Present law</u> sets the time period for an investigation of an officer at 60 days.

<u>Proposed law</u> extends the time period for an investigation of an officer <u>from</u> 60 days <u>to</u> 75 days, inclusive of weekends and holidays.

<u>Proposed law</u> requires that notice be given to an officer in writing or electronically and that notice be considered received once sent.

<u>Proposed law</u> requires that sustained complaints regarding an officer remain in the officer's file for at least 10 years.

(Amends R.S. 40:2531(B)(4)(b)(i) and (ii) and (7); Adds R.S. 40:2533(D))

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## Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on Judiciary</u> to the <u>original</u> bill:

1. Remove the requirement that notice be given orally.