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## DIGEST

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HB 745 Original

2022 Regular Session

Green

**Abstract:** Requires sustained complaints to remain in an officer's personnel file, subjects officer personnel files with sustained complaints to public records requests, and provides for whistleblower protection.

Present law provides that sustained complaints of a law enforcement officer shall remain in the officer's personnel file for a period of at least 10 years, but only after the officer has exhausted all administrative appeals to which he is entitled.

Proposed law amends present law to provide that sustained complaints shall remain in an officer's personnel file permanently and subjects officer personnel files containing sustained complaints to public records requests.

Proposed law provides that no police employee shall be discharged, demoted, suspended, threatened, harassed, or discriminated against in any manner in the terms and conditions of his employment because of any lawful act engaged in by the employee or on behalf of the employee in furtherance of any action taken to report malfeasance in office by police employees to law enforcement, whether such fellow employee is a co-worker, supervisor or subordinate.

Proposed law provides that a police employee may bring action for relief against his employer, in a court of competent jurisdiction, for damages associated with any action taken by the employee which is in furtherance of reporting malfeasance in office.

Proposed law provides that a person aggrieved of a violation of proposed law shall be entitled to treble damages plus court costs and reasonable attorney fees.

Proposed law provides that a plaintiff shall not be entitled to recovery pursuant to proposed law if the court finds that the plaintiff instituted or proceeded with an action that was frivolous, vexatious, or harassing.

Present law (R.S. 40:2531(C)) provides that there shall be no discipline, demotion, dismissal, or adverse action of any sort taken against a police employee or law enforcement officer unless the investigation is conducted in accordance with the minimum standards provided by present law. Provides that any discipline, demotion, dismissal, or adverse action of any sort whatsoever taken against a police employee or law enforcement officer without complete compliance with the foregoing minimum standards is an absolute nullity.

Proposed law repeals present law.

(Amends R.S. 40:2533(D); Adds R.S. 40:2537; Repeals R.S. 40:2531(C))