

2022 Regular Session

SENATE BILL NO. 400

BY SENATORS FIELDS AND FOIL

STATE AGENCIES. Provides for the administration of the Department of Public Safety and Corrections, public safety services. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 3:2804, the introductory paragraph of 2805(A) and 2805(B), and

3 2815, R.S. 11:1302(A)(3), R.S. 17:3399.18(B)(9), R.S. 22:2171(C)(21), R.S.

4 27:11(D), R.S. 29:726.5(B)(5), R.S. 32:267(A) and (B)(1)(b), 692(A)(2), and

5 863.2(F)(2), R.S. 33:2341, 2344(C), and 2345(H), R.S. 36:3(4), the introductory

6 paragraph of 405(A)(1), and 405(A)(2) and (B), and 407(B) and (C), R.S.

7 37:36(E)(1)(x), R.S. 40:1005(A)(8), 1312.27, 1379.1(A), (C), (D), (I), (J), (L), and

8 (M), 1379.1.2(A) and the introductory paragraph of (C), 1386, 1392(C)(2)(a),

9 2019(C)(4), 2024.3(A)(7), 2403(B)(1)(e), and 2531(B)(7), R.S. 46:2166(A)(10), and

10 R.S. 49:219.2(B)(1)(a)(iii), 219.5(B)(5), and 220.26(F), and to enact R.S. 36:407(D),

11 relative to the Department of Public Safety and Corrections, public safety services;

12 to provide for the appointment of the deputy secretary; to provide for the

13 appointment of the superintendent of state police; to provide for qualification of the

14 superintendent; to provide for definitions; to provide for the appointment of the

15 deputy secretary to various boards, commissions, task forces and advisory groups;

16 and to provide for related matters.

17 Be it enacted by the Legislature of Louisiana:

1 Section 1. R.S. 3:2804, the introductory paragraph of 2805(A) and 2805(B), and
2 2815 are hereby amended and reenacted to read as follows:

3 §2804. Impounding livestock found at large upon highways

4 A. The deputy secretary of **the** Department of Public Safety **and**
5 **Corrections, public safety services** shall, and all sheriffs, deputy sheriffs,
6 constables, and justices of the peace may, cause any livestock found at large upon
7 any highway of the state of Louisiana, as defined in R.S. 3:2803, to be taken into
8 custody and impounded. Any livestock so taken into custody shall be impounded in
9 the nearest official state police impoundment area. Any officer taking custody of and
10 impounding livestock shall immediately notify the deputy secretary ~~of Department~~
11 ~~of Public Safety~~ or his duly authorized representative in the parish in which the
12 livestock is impounded and shall, within twenty-four hours after such notification,
13 notify the owner or manager of such livestock, if known, personally or by leaving
14 written notice at his place of residence.

15 B. The owner or manager of livestock so impounded shall have the right to
16 secure his livestock upon the payment to the ~~superintendent of state police~~ **deputy**
17 **secretary** or officer impounding the livestock of an impoundment fee of twenty
18 dollars per head of livestock and a daily boarding fee of ten dollars for each animal.
19 He shall also pay to the officer impounding such livestock the cost of any necessary
20 veterinary and advertisement fees incurred.

21 C. The governor is authorized to establish, by executive order, in the
22 Department of Public Safety **and Corrections**, a suitable patrol force to enforce the
23 provisions of this Subpart. The members of the patrol shall be employees of the
24 Department of Public Safety **and Corrections**, and their salaries and expenses shall
25 be paid in the same manner as is provided for other employees.

26 D. The provisions of this Section and of R.S. 3:2805 and 2806 shall be
27 effective for any fiscal year or portion of a fiscal year only if sufficient funds have
28 been appropriated to the deputy secretary ~~of the Department of Public Safety and~~
29 ~~Corrections~~ for the purpose of enforcing those Sections for the fiscal year or the

1 portion of the fiscal year. If sufficient funds have not been appropriated the deputy
2 secretary shall provide written notice to the Senate and House Committees on
3 Transportation, Highways and Public Works.

4 §2805. Advertisement of impounding when owner is unknown

5 A. If the owner or manager of any livestock found at large on a public
6 highway is not known or if the owner or manager has no residence in the parish
7 where the livestock is impounded a statement shall be filed with the ~~superintendent~~
8 ~~of state police~~ **deputy secretary of the Department of Public Safety and**
9 **Corrections, public safety services** or his authorized representative in the parish in
10 which the livestock is impounded, setting forth:

11 * * *

12 B. The ~~superintendent of state police~~ **deputy secretary** or his representative
13 shall then give notice by advertising in a newspaper of general circulation within the
14 parish setting forth the fact of the impoundment, a description of the livestock, and
15 that the owner or manager is unknown or, if known, that he cannot be located. This
16 advertisement shall notify any person claiming to be the owner or manager of such
17 livestock to appear before the ~~superintendent of state police~~ **deputy secretary** or his
18 representative at a place named and a time not less than three days nor more than six
19 days from the date of notice to prove such claim of ownership or authority to
20 manage. If the owner or manager appears and proves to the satisfaction of the
21 ~~superintendent of state police~~ **deputy secretary** or his representative that he is the
22 owner or manager of the stock impounded, the ~~superintendent of state police~~ **deputy**
23 **secretary** or his representative shall require the owner or manager to pay the fee
24 provided in R.S. 3:2804, the cost of feeding and caring for the stock at the rates
25 hereinabove specified in R.S. 3:2804, and the cost of advertisement.

26 * * *

27 §2815. Impoundment pens or areas

28 The State Department of Public Safety shall designate and establish within
29 each parish of the state, where necessary, an impoundment pen or area which shall

1 be maintained by the department or by a person designated by the ~~Superintendent of~~
 2 ~~State Police~~ **deputy secretary of the Department of Public Safety and**
 3 **Corrections, public safety services** solely for the purpose of impounding and
 4 retaining within the parish all livestock, swine and other cattle or animals subject to
 5 impoundment under the laws of this state. Animals impounded under such laws shall
 6 be retained and cared for in said impoundment pens or areas until disposed of in the
 7 manner provided by law.

8 The ~~Superintendent of State Police~~ **deputy secretary** is authorized to
 9 deputize or otherwise obtain the services of one farmer in each parish who shall be
 10 responsible for maintaining and caring for all animals impounded.

11 Section 2. R.S. 11:1302(A)(3) is hereby amended and reenacted to read as follows:

12 §1302. Creation and composition of board; powers; expenses of administration

13 A. The Louisiana State Police Retirement System Board is created and is
 14 composed of the following members:

15 * * *

16 (3) The ~~superintendent of the office of state police~~ **deputy secretary of the**
 17 **Department of Public Safety and Corrections, public safety services** or his
 18 designee.

19 * * *

20 Section 3. R.S. 17:3399.18(B)(9) is hereby amended and reenacted to read as
 21 follows:

22 §3399.18. Louisiana Power-Based Violence Review Panel

23 * * *

24 B. The panel shall be composed of the following members:

25 * * *

26 (9) The ~~superintendent of the Louisiana State Police~~ **deputy secretary of the**
 27 **Department of Public Safety and Corrections, public safety services** or his
 28 designee.

29 * * *

1 Section 4. R.S. 22:2171(C)(21) is hereby amended and reenacted to read as follows:

2 §2171. Louisiana Property and Casualty Insurance Commission

3 * * *

4 C. The commission shall consist of the following members:

5 * * *

6 (21) A representative of law enforcement or his designee, selected jointly by
7 ~~the superintendent of state police~~, the secretary of the Department of Public Safety
8 and Corrections, **the deputy secretary of the Department of Public Safety and**
9 **Corrections, public safety services**, the president of the Louisiana Association of
10 Chiefs of Police, and the president of the Louisiana Sheriffs' Association.

11 * * *

12 Section 5. R.S. 27:11(D) is hereby amended and reenacted to read as follows:

13 §11. Louisiana Gaming Control Board; creation; members; terms; meetings

14 * * *

15 D. The secretary of the Department of Revenue and ~~the superintendent of the~~
16 ~~office of state police~~ **the deputy secretary of the Department of Public Safety and**
17 **Corrections, public safety services** shall be ex officio members of the board. They
18 shall not be voting members nor shall they be counted or be permitted to be counted
19 for purposes of the number of members necessary to take board action or the number
20 of members necessary to establish a quorum. In all other respects they shall have all
21 the duties, authority, requirements, and benefits of any other board member. The
22 term limits provision of Subsection A of this Section shall not apply to the ex officio
23 board members.

24 * * *

25 Section 6. R.S. 29:726.5(B)(5) is hereby amended and reenacted to read as follows:

26 §726.5. Louisiana Commission on Nonprofit Safety and Security

27 * * *

28 B. The commission shall be comprised of the following members:

29 * * *

1 (5) The ~~superintendent of state police~~ **deputy secretary of the Department**
2 **of Public Safety and Corrections, public safety services,** or his designee.

3 * * *

4 Section 7. R.S. 32:267(A) and (B)(1)(b), 692(A)(2), 863.2(F)(2) are hereby amended
5 and reenacted to read as follows:

6 §267. Highway safety corridor

7 A.(1) The secretary of the Department of Transportation and Development,
8 ~~superintendent of the Louisiana State Police~~ **deputy secretary of the Department**
9 **of Public Safety and Corrections, public safety services,** and the executive
10 director of the Louisiana Highway Safety Commission may establish a highway
11 safety corridor program under which critical infrastructure consisting of a portion of
12 highways in the state highway system and interstate highway system may be
13 designated by the secretary of the Department of Transportation and Development
14 as highway safety corridors to address highway safety problems through law
15 enforcement, education, and safety enhancements.

16 (2) After review of all data and studies used in the establishment of a
17 highway safety corridor and the subsequent establishment of the highway safety
18 corridor, the secretary of the Department of Transportation and Development, the
19 ~~superintendent of the Louisiana State Police~~ **deputy secretary of the Department**
20 **of Public Safety and Corrections, public safety services,** and the executive
21 director of the Louisiana Highway Safety Commission shall not be liable for any
22 property damages, injuries, or deaths that may arise from any enforcement pursuant
23 to R.S. 32:267.1 in the highway safety corridor.

24 B.(1) The Safety Corridor Advisory Group is established and the following
25 members shall serve on the advisory group:

26 * * *

27 (b) The ~~superintendent of the Louisiana State Police~~ **deputy secretary of the**
28 **Department of Public Safety and Corrections, public safety services,** or his
29 designee.

* * *

§692. Creation; membership; salary

A. The Louisiana Trucking Research and Education Council, hereinafter referred to as the "council", is hereby created as a political subdivision of the state with its domicile as Baton Rouge, Louisiana. The council is hereby declared to be a body corporate and public and shall be composed of thirteen members to serve terms concurrent with the governor as follows:

* * *

(2) The ~~superintendent of the Louisiana State Police~~ **deputy secretary of the Department of Public Safety and Corrections, public safety services**, or his designee.

* * *

§863.2. Notification of the cancellation or issuance of security; penalties; database development

* * *

F. * * *

(2) The criteria established by the secretary shall be developed only after consulting with an advisory group consisting of the commissioner of insurance or his designee, the ~~superintendent of state police~~ **deputy secretary of the Department of Public Safety and Corrections, public safety services** or his designee, the executive director of the Louisiana Highway Safety Commission or his designee, and five additional members, one representing the American Insurance Association, one representing the Property Casualty Insurance Association of America, one selected from a list of names submitted by the three insurers with the largest market share of automobile insurance in Louisiana, one from the Louisiana Association of Fire and Casualty Companies, and one from the Louisiana Independent Agents Association.

* * *

Section 8. R.S. 33:2341, 2344(C), and 2345(H) are hereby amended and reenacted to read as follows:

1 §2341. Purpose

2 It is the intent of the legislature in the exercise of the police power of the state
3 to create a board to promote the public peace, by establishing training programs for
4 chiefs of police to provide management courses and skills to enhance the safety of
5 the citizens of Louisiana and the enforcement of state laws. The provisions of this
6 Section shall not apply to the superintendent of the Louisiana State Police, **deputy**
7 **secretary of the Department of Public Safety and Corrections, public safety**
8 **services**, sheriffs, and constables.

9 * * *

10 §2344. Functions; powers; duties

11 * * *

12 C. The provisions of this Section shall not apply to the superintendent of the
13 Louisiana State Police, **deputy secretary of the Department of Public Safety and**
14 **Corrections, public safety services**, sheriffs, and constables.

15 §2345. Training

16 * * *

17 H. The provisions of this Section shall not apply to the superintendent of the
18 Louisiana State Police, **deputy secretary of the Department of Public Safety and**
19 **Corrections, public safety services**, sheriffs, and constables.

20 Section 9. R.S. 36:3(4), the introductory paragraph of 405(A)(1), and 405(A)(2) and
21 (B), and 407(B) and (C) is hereby amended and reenacted, and R.S. 36:407(D) is hereby
22 enacted to read as follows:

23 §3. Definitions

24 For the purposes of this Title the following terms shall have the following
25 meanings unless the context clearly indicates otherwise:

26 * * *

27 (4)(a) "Deputy secretary" means the officer authorized to be appointed by the
28 secretary to serve as his principal administrative assistant. For the Department of
29 Public Safety and Corrections, the "~~deputy secretary for public safety services~~" and

1 the "deputy secretary for corrections services" shall be the ~~officers~~ **officer** of the
 2 department appointed by the secretary to serve as the principal administrative
 3 ~~assistants~~ **assistant** of the secretary and references in any provision of law to the
 4 deputy secretary, where reference is to a deputy secretary of the Department of
 5 Public Safety and Corrections **for corrections services**, shall include ~~these two~~
 6 ~~officers~~ **this officer**.

7 **(b) For the Department of Public Safety and Corrections, the "deputy**
 8 **secretary for public safety services" shall be the officer of the department**
 9 **appointed by the governor to serve as the principal administrative assistant of**
 10 **the secretary and references in any provision of law to the deputy secretary,**
 11 **where reference is to a deputy secretary of the Department of Public Safety and**
 12 **Corrections for public safety services, shall include this officer.**

13 * * *

14 §405. Deputy secretaries for public safety services, corrections services, and youth
 15 services

16 A.(1) There shall be a deputy secretary for public safety services and a deputy
 17 secretary for corrections services. ~~Each~~ **The deputy secretary for corrections**
 18 **services** shall be appointed by the secretary and serve at the pleasure of the secretary
 19 at a salary fixed by the secretary, which salary shall not exceed the amount approved
 20 for such position by the legislature while in session. **The deputy secretary for**
 21 **public safety services shall be appointed by the governor and serve at the**
 22 **pleasure of the governor at a salary fixed by the governor, which salary shall**
 23 **not exceed the amount approved for such position by the legislature while in**
 24 **session.** Each appointment ~~by the secretary~~ shall be submitted to the Senate for
 25 confirmation. The duties and functions of the deputy secretaries provided for in this
 26 Subsection shall be determined and assigned by the secretary, except that:

27 * * *

28 (2) ~~The deputy secretary for public safety services shall be selected from the~~
 29 ~~ranks of sworn, commissioned state police officers who have graduated from the~~

1 ~~state police training academy~~. The deputy secretary for public safety services shall
 2 serve as acting secretary in the absence of the secretary over all functions of the
 3 department except corrections services and youth services. The deputy secretary for
 4 public safety services shall employ, appoint, remove, assign, and promote such
 5 personnel as is necessary for the efficient administration of public safety services and
 6 for the performance of the powers, duties, functions, and responsibilities of public
 7 safety services, including any agencies transferred to the department which are
 8 related to the functions of public safety services, except as otherwise provided by this
 9 Title. The deputy secretary for public safety services shall be solely responsible for
 10 employment, assignment, and removal of all personnel employed for public safety
 11 services on a contractual basis. The deputy secretary for public safety services shall
 12 be solely responsible for the transfer of all personnel within public safety services
 13 and no personnel shall be transferred to or from public safety services to any other
 14 office of the department without his prior approval.

* * *

16 B. Each deputy secretary, except the deputy secretary for youth services **and**
 17 **the deputy secretary for public safety services**, shall exercise all powers and
 18 authority granted to him in this Title subject to the overall direction and control of
 19 the secretary.

* * *

21 §407. Assistant secretaries

* * *

23 B. Except as otherwise expressly provided in this Title and except for the
 24 offices within youth services **and public safety services**, the duties and functions of
 25 each office and its assistant secretary shall be determined by the secretary, and all of
 26 such duties and functions shall be exercised under the direct supervision and control
 27 of the secretary. The exercise of the duties and functions of the offices of public
 28 safety services and their assistant secretaries shall be under the supervision of the
 29 deputy secretary for public safety services. The duties and functions of the office of

1 juvenile justice and its assistant secretary shall be as provided in this Chapter and as
 2 determined by the deputy secretary for youth services. The exercise of the duties and
 3 functions of youth services and its offices and officers shall be under the supervision
 4 of the deputy secretary for youth services.

5 **C. The superintendent of state police shall be appointed by the governor**
 6 **and be selected from the ranks of sworn, commissioned state police officers who**
 7 **have graduated from the state police training academy. While serving in this**
 8 **capacity, the superintendent shall be unclassified and serve at the pleasure of**
 9 **the governor.**

10 **D.** Except as otherwise provided in this Chapter, each assistant secretary shall
 11 exercise all powers and authority granted to him in this Title subject to the overall
 12 direction and control of the secretary.

13 Section 10. R.S. 37:36(E)(1)(x) is hereby amended and reenacted to read as follows:

14 §36. Exemptions; prohibitions; records; reports

15 * * *

16 E.(1) This Chapter shall not apply to the following licensing entities:

17 * * *

18 (x) All offices, boards, or commissions under the supervision of the deputy
 19 secretary of the Department of Public Safety and Corrections, public safety services;
 20 ~~or the superintendent of the Louisiana State Police,~~ which are not delineated in this
 21 Section.

22 * * *

23 Section 11. R.S. 40:1005(A)(8), 1312.27, 1379.1(A), (C), (D), (I), (J), (L), and (M),
 24 1379.1.2(A) and the introductory paragraph of (C), 1386, 1392(C)(2)(a), 2019(C)(4),
 25 2024.3(A)(7), 2403(B)(1)(e), and 2531(B)(7) are hereby amended and reenacted to read as
 26 follows:

27 §1005. Prescription monitoring program advisory council

28 A. The advisory council shall consist of the following members, each of
 29 whom may appoint a designee:

* * *

(8) ~~The superintendent of the Louisiana State Police~~ **deputy secretary of the Department of Public Safety and Corrections, public safety services.**

* * *

§1312.27. Designation of alternate

The ~~Superintendent of State Police~~ **deputy secretary of the Department of Public Safety and Corrections, public safety services** is authorized to designate an alternate to serve in his place and stead on the Southern State Police Administrators Conference as permitted by R.S. 40:1312.5 and 1312.6. However, it is the intention of the legislature that such ~~superintendent~~ **deputy secretary** shall attend and participate in the work of the conference in person to the maximum extent practicable.

* * *

§1379.1. Special officers; powers and duties; concealed handgun permit

A. ~~The superintendent of state police~~ **deputy secretary of the Department of Public Safety and Corrections, public safety services** shall be authorized to issue at his discretion a special officer's commission from the division of state police. Any person who receives a special officer's commission must display need for statewide police power and power to arrest, be bonded, and adhere to all restrictive stipulations as set forth in the special officer's commission.

* * *

C. ~~The superintendent of state police~~ **deputy secretary of the Department of Public Safety and Corrections, public safety services** shall determine who is entitled to receive a special officer's commission and may promulgate and adopt regulations providing with respect to the issuance and use of said permits.

D. ~~The superintendent of state police~~ **deputy secretary of the Department of Public Safety and Corrections, public safety services** shall have the authority to revoke any special officer's commission for cause, and is further empowered to require those holding special officer's commissions to furnish proof of their being

1 bonded and such other information as may be deemed necessary for determining
2 suitability for holding a special officer's commission.

3 * * *

4 I. The ~~superintendent of state police~~ **deputy secretary of the Department**
5 **of Public Safety and Corrections, public safety services** or the chief law
6 enforcement officer of a parish shall have the authority to revoke any concealed
7 handgun permit, and is further empowered to require those holding handgun permits
8 to furnish proof of their being bonded, and such other information as may be deemed
9 necessary for determining suitability for holding a concealed handgun permit.

10 J. Special officer commissions shall be valid only for a period of one year
11 from the date of their issuance. However, special officer commissions issued to
12 employees of the department shall be valid until revoked by the ~~superintendent~~
13 **deputy secretary**. Special officer commissions issued to judges shall be valid for the
14 length of their term of office.

15 * * *

16 L. No provision of this Section or of any regulation of the ~~superintendent of~~
17 ~~state police~~ **deputy secretary of the Department of Public Safety and**
18 **Corrections, public safety services** shall be construed to require persons holding
19 bona fide law enforcement officer commissions to possess a handgun permit.

20 M. Anyone in possession of a concealed handgun permit issued by the
21 ~~superintendent~~ **deputy secretary** who uses a handgun in a task not directly related
22 to the stipulations set forth in the permit shall be fined not more than five hundred
23 dollars, or imprisoned for not more than six months, or both.

24 * * *

25 §1379.1.2. Special officers commission; rail police officers

26 A. The ~~superintendent of state police~~ **deputy secretary of the Department**
27 **of Public Safety and Corrections, public safety services** shall be authorized to
28 issue at his discretion a special officer's commission from the division of state police
29 to any person who is employed by a rail carrier as a rail police officer in accordance

1 with 49 U.S.C. §28101.

2 * * *

3 C. The ~~superintendent of state police~~ **deputy secretary of the Department**
4 **of Public Safety and Corrections, public safety services** shall be authorized to
5 perform any of the following acts:

6 * * *

7 §1386. Industrial disputes

8 The police employees of the division shall not be used or called upon for
9 service within any municipality in any industrial dispute unless actual violence has
10 occurred therein or the threat of violence exists and then only by order of the
11 ~~superintendent of state police~~ **deputy secretary of the Department of Public Safety**
12 **and Corrections, public safety services**. It shall be the duty of the ~~superintendent~~
13 ~~of state police~~ **deputy secretary** to notify the chief executive officer of the
14 municipality wherein the dispute has occurred or, if unavailable, the highest ranking
15 municipal law enforcement official available, of the issuance of the order prior to the
16 execution thereof. The provisions of this Section do not apply in the case of a
17 municipality which has elected to operate under a contract pursuant to R.S. 40:1388.

18 * * *

19 §1392. Free and unhampered passage on bridges and ferries

20 * * *

21 C.

22 * * *

23 (2)(a) Upon the written request of the ~~superintendent of state police~~ **deputy**
24 **secretary of the Department of Public Safety and Corrections, public safety**
25 **services** or the head of a law enforcement agency and payment of the deposit
26 required by Subparagraph (b) of this Paragraph, the Crescent City Connection
27 Division of the Department of Transportation and Development shall issue the
28 number of automatic vehicular identification toll tags requested for use in connection
29 with the exemption granted by this Section.

1 * * *

2 §2019. Child death investigation

3 * * *

4 C. Child Death Review Panel. There is established within the Louisiana
5 Department of Health the Louisiana State Child Death Review Panel, hereinafter
6 referred to as the "state panel", which shall be composed of twenty-seven persons.

7 Members of the panel shall include:

8 * * *

9 (4) The ~~superintendent of the office of state police~~ **deputy secretary of the**
10 **Department of Public Safety and Corrections, public safety services** or his
11 designee.

12 * * *

13 §2024.3. Louisiana Domestic Abuse Fatality Review Panel; membership; chairman;
14 proxies

15 A. The legislature hereby establishes within the Louisiana Department of
16 Health a review panel which shall be designated as the "Louisiana Domestic Abuse
17 Fatality Review Panel", hereinafter referred to in this Part as "review panel". The
18 review panel shall be comprised of the following members:

19 * * *

20 (7) The ~~superintendent of state police~~ **deputy secretary of the Department**
21 **of Public Safety and Corrections, public safety services** or his designee.

22 * * *

23 §2403. Council on Peace Officer Standards and Training

24 * * *

25 B.(1) The council shall consist of the attorney general and eleven members
26 of the Louisiana Commission on Law Enforcement and Administration of Criminal
27 Justice, as follows:

28 * * *

29 (e) The ~~superintendent of state police~~ **deputy secretary of the Department**

1 **of Public Safety and Corrections, public safety services.**

2 * * *

3 §2531. Applicability; minimum standards during investigation; penalties for failure
4 to comply

5 * * *

6 B. Whenever a police employee or law enforcement officer is under
7 investigation, the following minimum standards shall apply:

8 * * *

9 (7) When a formal, written complaint is made against any police employee
10 or law enforcement officer, the ~~superintendent of state police~~ **deputy secretary of**
11 **the Department of Public Safety and Corrections, public safety services** or the
12 chief of police or his authorized representative shall initiate an investigation within
13 fourteen days of the date the complaint is made. Except as otherwise provided in this
14 Paragraph, each investigation of a police employee or law enforcement officer which
15 is conducted under the provisions of this Chapter shall be completed within
16 seventy-five days, inclusive of Saturdays, Sundays, and legal holidays. However, in
17 each municipality which is subject to a Municipal Fire and Police Civil Service law,
18 the municipal police department may petition the Municipal Fire and Police Civil
19 Service Board for an extension of the time within which to complete the
20 investigation. The board shall set the matter for hearing and shall provide notice of
21 the hearing to the police employee or law enforcement officer who is under
22 investigation. The police employee or law enforcement officer who is under
23 investigation shall have the right to attend the hearing and to present evidence and
24 arguments against the extension. If the board finds that the municipal police
25 department has shown good cause for the granting of an extension of time within
26 which to complete the investigation, the board shall grant an extension of up to sixty
27 days. Nothing contained in this Paragraph shall be construed to prohibit the police
28 employee or law enforcement officer under investigation and the appointing
29 authority from entering into a written agreement extending the investigation for up

1 to an additional sixty days. The investigation shall be considered complete upon
 2 notice to the police employee or law enforcement officer under investigation of a
 3 pre-disciplinary hearing or a determination of an unfounded or unsustained
 4 complaint. The notice may be given in writing or electronically. The notice is
 5 considered received by the police employee or law enforcement officer under
 6 investigation on the date sent, provided it is sent to the department email address in
 7 the personnel file of the police employee or law enforcement officer. The notice shall
 8 be considered received by the police employee or law enforcement officer under
 9 investigation on the date received, provided it is sent to the home address in the
 10 personnel file of the police employee or the law enforcement officer. Nothing in this
 11 Paragraph shall limit any investigation of alleged criminal activity.

* * *

13 Section 12. R.S. 46:2166(A)(10) is hereby amended and reenacted to read as
 14 follows:

15 §2166. Composition of the commission

16 A. The commission shall be composed of the following members:

17 * * *

18 (10) The ~~superintendent of the Louisiana State Police~~ **deputy secretary of**
 19 **the Department of Public Safety and Corrections, public safety services** or his
 20 designee.

21 * * *

22 Section 13. R.S. 49:219.2(B)(1)(a)(iii), 219.5(B)(5), and 220.26(F) are hereby
 23 amended and reenacted to read as follows:

24 §219.2. Drug Policy Board; establishment; membership; selection; terms;
 25 compensation; organization; domicile; procedure

26 * * *

27 B.(1) The board shall be composed of twenty-three members.

28 (a) Thirteen of the members shall be as follows:

29 * * *

1 (iii) The ~~superintendent of state police~~ **deputy secretary of the Department**
2 **of Public Safety and Corrections, public safety services** or his designee.

3 * * *

4 §219.5. Advisory Council on Heroin and Opioid Prevention and Education

5 * * *

6 B. The council shall consist of the following members:

7 * * *

8 (5) The ~~superintendent of state police~~ **deputy secretary of the Department**
9 **of Public Safety and Corrections, public safety services** or his designee.

10 * * *

11 §220.26. Reserve investigators

12 * * *

13 F. Upon the recommendation of the inspector general, each reserve
14 investigator shall be eligible to apply to the ~~superintendent of state police~~ **deputy**
15 **secretary of the Department of Public Safety and Corrections, public safety**
16 **services** for a special officer's commission ~~from the Louisiana Division of State~~
17 ~~Police~~ under the applicable provisions of R.S. 40:1379.1.

18 Section 14. This Act shall become effective upon signature by the governor or, if not
19 signed by the governor, upon expiration of the time for bills to become law without signature
20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
22 effective on the day following such approval.

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

DIGEST

SB 400 Engrossed

2022 Regular Session

Fields

Present law provides that the deputy secretary for the Department of Public Safety and
Corrections (DPS&C), public safety services shall also serve as the superintendent of state
police.

Present law provides that the deputy secretary for public safety services be appointed by and
serve at the pleasure of the secretary of DPS&C.

Proposed law provides that the deputy secretary for public safety services be appointed by and serve at the pleasure of the governor.

Present law provides for assistant secretaries that serve under the deputy secretary for public safety services.

Proposed law categorizes the superintendent of state police as an assistant secretary within the DPS&C, public safety services.

Proposed law requires that the superintendent be appointed by the governor and be selected from the ranks of sworn, commissioned state police officers who have graduated from the state police training academy.

Proposed law provides that while serving as superintendent, the superintendent be unclassified and serve at the pleasure of the governor.

Proposed law changes membership to various boards, commissions, task forces, and advisory groups from the superintendent to deputy secretary for public safety services.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 3:2804, 2805(A)(intro para) and 2805(B), and 2815, R.S. 11:1302(A)(3), R.S. 17:3399.18(B)(9), R.S. 22:2171(C)(21), R.S. 27:11(D), R.S. 29:726.5(B)(5), R.S. 32:267(A) and (B)(1)(b), 692(A)(2), and 863.2(F)(2), R.S. 33:2341, 2344(C), and 2345(H), R.S. 36:3(4), 405(A)(1)(intro para), 405(A)(2) and (B), and 407(B) and (C), R.S. 37:36(E)(1)(x), R.S. 40:1005(A)(8), 1312.27, 1379.1(A), (C), (D), (I), (J), (L), and (M), 1379.1.2(A) and (C)(intro para), 1386, 1392(C)(2)(a), 2019(C)(4), 2024.3(A)(7), 2403(B)(1)(e), and 2531(B)(7), R.S. 46:2166(A)(10), and R.S. 49:219.2(B)(1)(a)(iii), 219.5(B)(5), and 220.26(F); adds R.S. 36:407(D))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Makes technical changes.