

2022 Regular Session

HOUSE BILL NO. 745

BY REPRESENTATIVE GREEN

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

1 AN ACT

2 To amend and reenact R.S. 40:2533(D) and to enact R.S. 40:2537, relative to officer  
3 disciplinary matters; to provide for the time sustained complaints remain in officer  
4 personnel files; to provide for public records requests relative to officer personnel  
5 files; to provide for whistleblower protection; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:2533(D) is hereby amended and reenacted and R.S. 40:2537 is  
8 hereby enacted to read as follows:

9 §2533. Personnel files

10 \* \* \*

11 D.(1) Sustained complaints against the law enforcement officer shall remain  
12 in the officer's personnel file ~~for a period of at least ten years~~ permanently and shall  
13 be subject to public records requests, but only after the officer has exhausted all  
14 administrative appeals to which he is entitled.

15 (2) Notwithstanding Paragraph (1) of this Subsection, all of the following  
16 sustained complaints shall remain in the officer's personnel file permanently and  
17 shall be subject to a public records requests after the officer has exhausted all  
18 administrative appeals to which he is entitled:

19 (a) Sustained complaints regarding unauthorized use of force or unauthorized  
20 use of a service weapon by the officer.



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 all of the following sustained complaints shall remain in the officer's personnel file permanently and shall be subject to a public records requests after the officer has exhausted all administrative appeals to which he is entitled:

- (1) Unauthorized use of force or unauthorized use of a service weapon by the officer.
- (2) Sexual assault or harassment.
- (3) Dishonesty relative to the reporting, investigation, or prosecution of a crime or direct relation to the reporting or investigation of misconduct by another peace officer or custodial officer, including, but not limited to, findings of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

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 an 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.

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

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Make technical changes.
2. Add a requirement that all sustained complaints regarding unauthorized use of force or unauthorized use of a service weapon by the officer, sexual assault or harassment, and dishonesty relative to the reporting, investigation, or prosecution of a crime or misconduct by another peace officer shall remain in the officer's personnel file permanently.
3. Remove the repeal of present law (R.S. 40:2531(C)).