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 DIGEST
 

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SB 182 Reengrossed

2022 Regular Session

Fields

Present law sets forth behavior by public officers and employees that is considered malfeasance in office.

Proposed law adds willfully and knowingly subjecting any person to the deprivation of any right, privilege, or immunity secured or protected by the U. S. Constitution and laws, if serious bodily injury or death results, to the list of conduct that is malfeasance in office.

Present law allows the P.O.S.T. Council to conduct a revocation hearing to determine if the officer's P.O.S.T. certification should be revoked under certain circumstances including when the officer has been involuntarily terminated by his employing law enforcement agency for disciplinary reasons involving an adjudication of civil rights violations.

Proposed law removes the officer's involuntary termination by his employing law enforcement agency for disciplinary reasons involving an adjudication of civil rights violations from the list of revocation offenses over which the P.O.S.T. Council has discretion.

Proposed law adds a condition in which the officer has been terminated by his employing law enforcement agency and has exhausted all administrative remedies, or allowed to retire or resign, as a result of disciplinary action taken against the officer for any conduct during the course and scope of employment that would constitute an unreasonable use of force to the list of revocation offenses over which the P.O.S.T. Council has discretion to conduct a revocation hearing.

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

(Amends R.S. 14:134(A)(3) and R.S. 40:2405(J)(2)(a); Adds R.S. 14:134(A)(4))

Summary of Amendments Adopted by Senate

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

1. Removes actions intentionally depriving another of any right protected under Constitution of La. while acting under the color of law from the list of conduct that is malfeasance in office.
2. Adds actions willfully and knowingly subjecting any person to the deprivation of any right, privilege, or immunity secured or protected by the U. S. Constitution and laws, if serious bodily injury or death results to the list of conduct that is malfeasance in office.
3. Removes circumstances where the officer has been terminated by his employing law enforcement agency, or allowed to retire or resign, as a result of disciplinary action taken against the officer for any conduct during the course and scope of employment that would constitute an unauthorized use of force and the officer has exhausted all administrative remedies from the list of occurrences in which a peace officer shall have his P.O.S.T. certification revoked.
4. Adds condition in which the officer has been terminated by his employing law enforcement agency, or allowed to retire or resign, as a result of disciplinary action taken against the officer for any conduct during the course

and scope of employment that would constitute an unauthorized use of force, and the officer has exhausted all administrative remedies from the list of revocation offenses over which the Council on Peace Officer Standards and Training has discretion to conduct a revocation hearing.

Senate Floor Amendments to engrossed bill

1. Remove proposed mandatory revocation of P.O.S.T. certification when there has been a criminal adjudication against the officer for willfully depriving or conspiring to deprive another person of any right protected by the constitution or laws of the United States while acting under color of law.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the reengrossed bill:

1. Make technical changes.
2. Change the term "unauthorized" to "unreasonable", relative to the use of force.