

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 enact R.S. 40:2537, relative to officer disciplinary matters; to provide for whistleblower
3 protection; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 40:2537 is hereby enacted to read as follows:

6 §2537. Whistleblower protection and cause of action

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

13 B.(1) A police employee may bring an action for relief against his employer,
14 in a court of competent jurisdiction, for damages associated with any action taken
15 by the employee which is in furtherance of reporting malfeasance in office.

16 (2) A person aggrieved of a violation of Subsection A of this Section shall
17 be entitled to treble damages plus court costs and reasonable attorney fees.

18 C. A plaintiff shall not be entitled to recovery pursuant to this Section if the
19 court finds that the plaintiff instituted or proceeded with an action that was frivolous,
20 vexatious, or harassing.

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 745 Reengrossed

2022 Regular Session

Green

Abstract: Provides for whistleblower protection for public employees.

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.

(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)).

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Remove requirement that sustained complaints remain in an officer's personnel file and that officer personnel files with sustained complaints be subject to public records requests.