

SENATE BILL NO. 182

BY SENATOR FIELDS

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AN ACT

To amend and reenact R.S. 14:134(A)(3) and R.S. 40:2405(J)(2)(a) and to enact R.S. 14:134(A)(4), relative to mandatory P.O.S.T. certification revocation; to provide relative to malfeasance in office by public officers and employees; to provide for a revocation hearing to determine whether a peace officer's P.O.S.T. certification will be revoked; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:134(A)(3) is hereby amended and reenacted and R.S. 14:134(A)(4) is hereby enacted to read as follows:

§134. Malfeasance in office

A. Malfeasance in office is committed when any public officer or public employee shall:

* * *

(3) Knowingly permit any other public officer or public employee, under his authority, to intentionally refuse or fail to perform any duty lawfully required of him, or to perform any such duty in an unlawful manner; or

(4) Willfully and knowingly subject any person to the deprivation of any right, privilege, or immunity secured or protected by the United States Constitution and laws, if serious bodily injury or death results.

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Section 2. R.S. 40:2405(J)(2)(a) is hereby amended and reenacted to read as follows:

§2405. Peace officer training requirements; reimbursement by peace officer

* * *

J.(1) * * *

1 (2) The Council on Peace Officer Standards and Training may conduct a
2 revocation hearing to determine whether the P.O.S.T. certification of any qualified
3 peace officer, whether employed full-time, part-time, or reserve, shall be revoked if
4 any of the following conditions occur:

5 (a) ~~The officer has been involuntarily terminated by his employing law~~
6 ~~enforcement agency for disciplinary reasons involving an adjudication of civil rights~~
7 ~~violations and the officer has exhausted all administrative remedies.~~ **The officer has**
8 **been terminated by his employing law enforcement agency and has exhausted**
9 **all administrative remedies, or allowed to retire or resign, as a result of**
10 **disciplinary action taken against the officer for any conduct during the course**
11 **and scope of employment that would constitute an unreasonable use of force.**

12 * * *

13 Section 3. This Act shall become effective upon signature by the governor or, if not
14 signed by the governor, upon expiration of the time for bills to become law without signature
15 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
16 vetoed by the governor and subsequently approved by the legislature, this Act shall become
17 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____