

2023 Regular Session

HOUSE BILL NO. 362

BY REPRESENTATIVE FONTENOT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

POLICE/MUNICIPAL: Provides relative to the qualifications of an elected or appointed police chief

1 AN ACT

2 To enact R.S. 33:381(E) and 385.1(C), relative to municipal police chiefs; to provide
3 relative to the qualifications of elected and appointed chiefs; to provide for certain
4 training requirements prior to reelection or reappointment; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 33:381(E) and 385.1(C) are hereby enacted to read as follows:

8 §381. Municipal officers

9 * * *

10 E.(1) Notwithstanding any other provision of law to the contrary, no person
11 who is serving as an appointed chief of police shall be eligible to be reappointed to
12 such position if he has served as an appointed chief of police for at least the one year
13 immediately preceding the effective date of his reappointment and he has not met the
14 requirements of R.S. 33:2345(A) and (B).

15 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, no
16 person who was appointed to the position of chief of police prior to January 1, 2004,
17 and has been in continuous service since that date shall be eligible for reappointment
18 to such position if he has not met the requirements of R.S. 33:2345(B).

19 (3)(a) The provisions of this Subsection shall not apply to any person who
20 has served as an appointed chief of police continuously since January 1, 1983.

1 (b) The provisions of this Subsection do not apply to police chiefs if the
2 training required by R.S. 33:2345 is not funded in accordance with R.S. 33:2345(D).

3 * * *
4 §385.1. Qualifications of elected chief of police

5 * * *

6 C.(1) Notwithstanding any other provision of law to the contrary, no person
7 who is serving as an elected chief of police shall be eligible to qualify as a candidate
8 for reelection to such office if he has served as an elected chief of police for at least
9 the one year immediately preceding the latest date to qualify for the office and he has
10 not met the requirements of R.S. 33:2345(A) and (B).

11 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, no
12 person who was elected to the office of chief of police prior to January 1, 2004, and
13 has been in continuous service since that date shall be eligible to qualify as a
14 candidate for reelection to such office if he has not met the requirements of R.S.
15 33:2345(B).

16 (3)(a) The provisions of this Subsection shall not apply to any person who
17 has served as an elected chief of police continuously since January 1, 1983.

18 (b) The provisions of this Subsection do not apply to police chiefs if the
19 training required by R.S. 33:2345 is not funded in accordance with R.S. 33:2345(D).

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 362 Engrossed 2023 Regular Session Fontenot

Abstract: Provides relative to the qualifications of an elected or appointed police chief prior to reelection or reappointment.

Present law (R.S. 33:381) provides that the officers of every municipality governed by the provisions of the Lawrason Act (mayor-board of aldermen form of government) shall be a mayor, aldermen, a chief of police, a tax collector, and a clerk. Generally provides for election, at large, of the police chief. Provides for appointment of a police chief in certain specified municipalities.

Present law (R.S. 33:381.1 and 381.2) alternatively provides that the office of police chief shall be filled by mayoral appointment with approval of the board of aldermen if a majority

of the municipal electors approve the change. Provides for an election on the question only upon petition directed to the board of aldermen and signed by at least 25% of such electors. However, in a municipality with a population of 5,000 or fewer, authorizes calling such an election upon adoption of an ordinance by 2/3 vote of the governing authority.

Present law (R.S. 33:2341 et. seq.) creates the Law Enforcement Executive Management Institute within the office of the governor. Provides that the institute is governed by a board comprised of five members. Requires the institute, through the board, to serve as the coordinator for training of chiefs of police. Additionally requires the board to establish a new chief of police development course and a chief of police continuing education program prior to December 31, 2011.

Proposed law retains present law.

Present law requires each municipal police chief who has been elected or appointed to successfully complete the new chief management course not later than one year after election or appointment. Additionally requires each municipal chief of police to complete 12 hours of continuing education as approved by the board within every calendar year. Provides that the requirement regarding the completion of the new chief management course does not apply to a police chief who was appointed or elected prior to January 1, 2004. Further provides that the provisions of present law do not apply to a police chief who has been in continuous service since January 1, 1983.

Proposed law retains present law.

Proposed law additionally prohibits a person who is serving as an appointed police chief from being reappointed if he has served as an appointed police chief for at least the one year immediately preceding the effective date of his reappointment and he has not met the requirements of present law. Further prohibits a person who is serving as an elected police chief from being eligible to qualify as a candidate for reappointment if he has served as an elected police chief for at least the one year immediately preceding the latest date to qualify for the office and he has not met the requirements of present law.

Proposed law prohibits, notwithstanding proposed law, a person who was appointed as police chief prior to January 1, 2004, and who has been in continuous service since that date from being eligible to be reappointed if he has not met the continuing education requirements of present law. Proposed law additionally prohibits, notwithstanding proposed law, a person who was elected as police chief prior to January 1, 2004, and who has been in continuous service since that date from being eligible to qualify as a candidate for reelection to the office if he has not met the continuing education requirements of present law.

Proposed law exempts any person who has served as an appointed or elected police chief continuously since January 1, 1983, from the provisions of proposed law.

(Adds R.S. 33:381(E) and 385.1(C))