
DIGEST

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HB 362 Reengrossed

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 Dec. 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 Jan. 1, 2004. Further provides that the provisions of present law do not apply to a police chief who has been in continuous service since Jan. 1, 1983.

Present law provides that failure to comply with the requirements of present law (R.S. 33:2345) regarding the completion of the new chief management course and the continuing education requirements shall subject the new municipal police chief to forfeit any benefits provided for in the state supplemental pay provisions of present law (R.S. 40:1667.1).

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 reelection 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 provides that a person who was appointed as police chief prior to Jan. 1, 2004, and who has been in continuous service since that date is not required to complete the new chief management course to be eligible for reappointment. Proposed law additionally provides that a person who was elected as police chief prior to Jan. 1, 2004, and who has been in continuous service since that date is not required to complete the new chief management course to be eligible to qualify as a candidate for reelection.

Proposed law requires the Law Enforcement Management Institute to establish a procedure by which a person who is serving as an appointed or elected police chief and who has failed to complete the new chief management course may apply for an exemption due to emergency circumstances. Provides that if the exemption is approved, the appointed or elected police chief will not be ineligible for reappointment or qualification as a candidate.

Proposed law exempts any person who has served as an appointed or elected police chief continuously since Jan. 1, 1983, from the requirements of proposed law in accordance with present law exception.

(Amends R.S. 33:2345(C); Adds R.S. 33:381(E) and 385.1(C))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Add a requirement that the Law Enforcement Management Institute establish a procedure by which an appointed or elected police chief may apply for an exemption from proposed law requirements due to emergency circumstances.