

2016 Regular Session

HOUSE BILL NO. 183

BY REPRESENTATIVES HUNTER AND SMITH

ATTORNEY GENERAL: Provides for the powers and duties of the attorney general in certain officer-involved incidents

1 AN ACT

2 To enact R.S. 49:260, relative to law enforcement; to provide relative to officer-involved
3 incidents; to provide for reporting requirements; to provide for powers and duties of
4 the attorney general; to provide definitions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 49:260 is hereby enacted to read as follows:

7 §260. Officer-involved incidents; powers and duties of the attorney general

8 A. A law enforcement agency that employs a peace officer who is involved
9 in an officer-involved incident shall report the incident to the district court with
10 jurisdiction over the matter within seventy-two hours following the officer-involved
11 incident. The court shall refer the matter to the office of the attorney general
12 pursuant to the provisions of Article IV, Section 8, and such matter shall be deemed
13 to constitute "cause" for purposes of Article IV, Section 8 of the Louisiana
14 Constitution. Pursuant to such authority, the attorney general shall do either of the
15 following:

16 (1) Institute, prosecute, or intervene in the criminal proceeding involving an
17 officer-involved incident.

18 (2) Appoint a special prosecutor for the criminal proceeding involving an
19 officer-involved incident to perform the duties of the district attorney who would
20 have otherwise had charge of the prosecution pursuant to Article V, Section 26 of the
21 Louisiana Constitution.

1 B. For purposes of this Section, the following terms shall have the following
2 meaning:

3 (1) "Officer-involved incident" means any incident in which serious bodily
4 injury or death of another individual is caused by a peace officer acting under the
5 authority of the state or a political subdivision of the state.

6 (2) "Serious bodily injury" means bodily injury which involves
7 unconsciousness, extreme physical pain or protracted and obvious disfigurement, or
8 protracted loss or impairment of the function of a bodily member, organ, or mental
9 faculty, or a substantial risk of death.

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 183 Original

2016 Regular Session

Hunter

Abstract: Provides for the authority of the attorney general to intervene in officer-involved incidents which cause serious bodily injury or death to another individual.

Present constitution (Art. IV, §8) authorizes the attorney general to intervene in criminal proceedings in certain circumstances.

Proposed law requires law enforcement agencies to report officer-involved incidents to the district court with jurisdiction within 72 hours of the incident. The court shall refer the matter to the attorney general, and the attorney general shall either: (1) institute, prosecute, or intervene in the criminal proceeding involving an officer-involved incident, or (2) appoint a special prosecutor to perform the duties of the district attorney who would have otherwise had charge of the prosecution.

Proposed law defines "officer-involved incidents" and "serious bodily injury".

(Adds R.S. 49:260)