

Regular Session, 2014

HOUSE BILL NO. 391

BY REPRESENTATIVE RICHARD

(On Recommendation of the Louisiana State Law Institute)

LOCAL GOVERNMENT: Relative to the revision of local government laws pursuant to HCR No. 218 of the 2009 Regular Session, transfers the Law Enforcement Executive Management Institute from the governor's office to the Dept. of Public Safety and Corrections and provides for redesignation of provisions from Title 33 to Title 40

1 AN ACT

2 To amend and reenact R.S. 33:2342(A), to enact R.S. 36:409(S), to repeal R.S.
3 36:4(B)(1)(s), and to provide for redesignation of Subpart F of Part III of Chapter 4
4 of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:2341
5 through 2345, relative to the Law Enforcement Executive Management Institute; to
6 transfer the institute from the governor's office to the Department of Public Safety
7 and Corrections; to direct the Louisiana State Law Institute to redesignate certain
8 statutes; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:2342(A) is hereby amended and reenacted to read as follows:

11 §2342. Law Enforcement Executive Management Institute; creation; board;
12 membership

13 A. The Law Enforcement Executive Management Institute is hereby created
14 ~~within the office of the governor and~~ as an executive branch agency within the
15 Department of Public Safety and Corrections. The institute shall be domiciled in the
16 city of Baton Rouge.

17 * * *

18 Section 2. R.S. 36:409(S) is hereby enacted to read as follows:

1 §409. Transfer of agencies to Department of Public Safety and Corrections

2 * * *

3 S. The Law Enforcement Executive Management Institute and its board
4 (R.S. 40:2411 et seq.) are transferred to the Department of Public Safety and
5 Corrections and shall exercise and perform their powers, duties, functions, and
6 responsibilities as provided by law.

7 Section 3. R.S. 36:4(B)(1)(s) is hereby repealed in its entirety.

8 Section 4.(A) The Louisiana State Law Institute shall redesignate Subpart F of Part
9 III of Chapter 4 of Title 33 of the Louisiana Revised Statutes of 1950, R.S. 33:2341 through
10 2345, including any amendments enacted at this 2014 Regular Session of the Legislature of
11 Louisiana, as Chapter 18-A of Title 40 of the Louisiana Revised Statutes of 1950, R.S.
12 40:2411 through 2415.

13 (B) The Louisiana State Law Institute is further directed to make such technical
14 changes in any citations as may be necessary to reflect the statutory redesignations made by
15 the Louisiana State Law Institute as provided by this Section.

16 (C) The redesignation of a statute as provided by this Section shall not affect the
17 validity of the statute, and references to a statute as redesignated shall be valid; however, the
18 redesignation of a statute as provided by this Section shall not invalidate a reference to the
19 former citation of the redesignated statute.

20 Section 5.(A) Sections 1 through 3 of this Act shall become effective on November
21 1, 2014.

22 (B) Section 4 of this Act and this Section shall become effective upon signature of
23 this Act by the governor or, if this Act is not signed by the governor, upon expiration of the
24 time for bills to become law without signature by the governor, as provided by Article III,
25 Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and
26 subsequently approved by the legislature, Section 4 of this Act and this Section shall become
27 effective on the day following such approval.

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)]

Richard

HB No. 391

Abstract: Pursuant to HCR No. 218 of the 2009 R.S. (which requested the La. State Law Institute to study and propose a revised codification of Title 33 of the La. Revised Statutes of 1950), directs the La. State Law Institute to redesignate provisions for the Law Enforcement Executive Management Institute from Title 33 to Title 40 and transfers the institute from the governor's office to the Dept. of Public Safety and Corrections.

Present law (R.S. 33:2341 et seq.) creates the Law Enforcement Executive Management Institute and its board in the office of the governor. Provides for board membership, for staggered two-year terms, and for officers and meetings. Provides that members serve without compensation. Provides that the institute, by and through the board, serves as the coordinator for the training of chiefs of police in Louisiana (does not apply to the superintendent of the La. State Police, sheriffs, and constables.) Requires the institute, by and through the board, to:

- (1) Establish a new chief of police development course prior to Dec. 31, 2011.
- (2) Establish a chief of police continuing education program prior to Dec. 31, 2011.
- (3) Establish requirements for approval and accreditation of other training and continuing education programs sponsored or offered by the federal government, other states, and agencies outside the jurisdiction of the institute.
- (4) Cooperate with municipal, parish, special district, state, and federal law enforcement agencies in training programs.
- (5) Conduct research to improve law enforcement and police administration and stimulate research by public and private agencies for that purpose.
- (6) Accept donations, contributions, grants, or gifts from individuals, foundations, state or federal government.
- (7) Contract with other persons as the board deems necessary for services, facilities, studies, or training.

Present law (subject to appropriation of sufficient funds by the legislature) requires that each municipal chief of police (except a chief elected or appointed prior to Jan. 1, 2004) successfully complete the New Chief Management Course not later than one year after election or appointment. Requires each municipal chief of police (except a chief with continuous service from Jan. 1, 1983) to complete 24 hours of continuing education as approved by the board within every 24-month period. Provides that failure to comply with these requirements will result in forfeiture of supplemental pay benefits. Specifies that these requirements also apply to every nonmunicipal chief of police elected or appointed to the position as chief on or after Jan. 1, 2012. (Nonmunicipal chief of police includes any chief of police of a board, authority, commission, department, office, division, or agency of the state or any of its political subdivisions, but not the chief of police of a municipal police department.) Provisions do not apply to the superintendent of the La. State Police, sheriffs, and constables.

Proposed law, retains present law, except transfers the institute and its board from the office of the governor to the Dept. of Public Safety and Corrections. Specifies that the institute and the board are executive branch agencies.

Proposed law also directs the La. State Law Institute to redesignate present law from Title 33 of the La. Revised Statutes of 1950 (Municipalities and Parishes) to Title 40 of the La. Revised Statutes (Public Health and Safety).

Effective Nov. 1, 2014, except provisions for redesignation of statutes are effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 33:2342(A); Adds R.S. 36:409(S); Repeals R.S. 36:4(B)(1)(s)) (Provides for redesignation of Subpart F of Part III of Chapter 4 of Title 33 of the Louisiana Revised Statutes of 1950, R.S. 33:2341-2345 to Chapter 18-A of Title 40 of the Louisiana Revised Statutes of 1950, R.S. 40:2411-2415)