

LEGISLATION OF PARTICULAR INTEREST
LOUISIANA ASSOCIATION OF CHIEFS OF POLICE
2009 REGULAR SESSION

HOUSE BILLS

HB 1 Author: Fannin Act 10
Provide for the ordinary operating expenses of state government for Fiscal Year 2009-2010.

HB 27 Author: Wooton Failed House final passage
Authorizes concealed handgun permit holders to carry concealed weapons on campuses.

Discussion: HB 27 was filed again by Representative Wooton to authorize the carrying of handguns on college, university, or postsecondary vocational/technical school campuses by individuals who possess a concealed handgun permit. The LACP was heavily involved in the measure and began pre-session meetings with colleges and universities to develop a strategy for defeating the measure. Although the author is the chairman of the House Administration of Criminal Justice Committee, the decision was made to launch a full attack in the committee hearing. The LACP provided great testimony including Chief Jeff LeDuff, Loyola's Campus Chief of Police, Patrick Bailey, and Sgt Dan Chason from the ULM police force. Although the bill was reported favorably by the committee in a close 9-6 vote, it failed to pass the House floor vote with only 18 yeas to 86 nays.

HB 49 Author: Richard Substitute bill adopted
Provides relative to financial disclosure by elected officials representing voting districts of fewer than 5,000.

Discussion: HB 49 would have removed the Tier 3 reporting and would have required elected officials representing voting districts of fewer than 5,000 to file annual financial disclosure statements pursuant to Tier 2.1 instead of Tier 3. The bill became HB 896 to be discussed below.

HB 84 Author: Champagne Died in House & Governmental Affairs
Constitutional Amendment which provides term limits for all elected public officials.

Discussion: HB 84 would have provided that public officials who will have served more than two and one-half terms in three consecutive terms in elected public office, such services being during terms that begin on or after January 1, 2010, shall not be elected to the same office for the succeeding term. The bill would have provided for submission of the constitutional amendment to the voters at a statewide election to be held November 2, 2010. The bill was never scheduled for a hearing before the House and Governmental Affairs Committee.

HB 254 Author: Lambert Died in House Transportation
Authorizes the use of automated traffic photo enforcement systems.

Discussion: HB 254 would have allowed a local governing authority to establish an automated traffic enforcement system only if it meets the DOTD requirements and obtains a permit from the DOTD. The bill also provided that a certain percentage of all fines collected by a local governing authority resulting from citations issued for failure to stop at a red light maintained by an external traffic photo enforcement system shall be forwarded to the state treasury to be credited to the Transportation Trust Fund to be used for safety enforcement projects in the highway district in which the fine was collected. The bill was one of two bills filed on the traffic camera issue and this bill died in the House Transportation Committee.

amended on the Senate floor to include the exact language of HB 367 discussed above including the sunset provision.

HB 480 Author: Richmond Died in House Transportation
Prohibits local governments from using mounted traffic cameras to issue traffic violations.

Discussion: HB 480 would have prohibited local municipal authorities or local parish authorities from using, authorizing the use of, or installing automated traffic enforcement systems to enforce traffic regulations. Additionally, the bill would have required local municipalities or local parish authorities currently using automated traffic enforcement systems to discontinue such use by January 1, 2010. The LACP fought this bill as well and it was involuntarily deferred in the House Transportation Committee.

HB 501 Author: Hoffman Act 329
Provides relative to the establishment and maintenance of promotional employment lists for the classified police service in the city of West Monroe

HB 626 Author: Downs Act 188
Provides for disposition of fines for certain traffic tickets.

Discussion: HB 626 was a product of HB 1050 and HB 1329 of the 2008 Regular Session which would have prohibited the use of speed enforcement as a primary method of revenue for a local authority and would have prohibited local law enforcement from writing citations on a state highway in areas with minimal development. Both of these bills were killed and the issue remained with Rep. Downs. Prior to the 2009 Regular Session officials of the Louisiana Municipal Association and the Legislative Committee of LACP met to discuss the issues of Downs' coming with another "speed trap" bill. During that meeting we discussed preempting such a bill by Rep. Downs, by bringing a bill on behalf of the LACP and the LMA which would have provided that all tickets issued between 1-9 mph over the speed limit would go to a fund within the Louisiana Highway Safety Commission. LACP was later asked to participate in a meeting with the Governor's legislative director, Rep. Downs, and representatives of LACP, Sheriff's Association, LMA, State Police, and Police Jury Association. The legislation discussed at that meeting would have provided that local law enforcement in jurisdictions of 1,500 or less be prohibited from writing citations on the interstate. Following that meeting, Rep. Downs agreed that local law enforcement could still write citations, but anything written 1-9 mph over the limit would go to the Louisiana Highway Safety Commission. The legislation was subsequently amended in the House Transportation Committee to impact more municipalities by removing the less than 1,500 population requirement and clarifying that they not be governed by a home rule charter to ease any constitutional issues. After the bill was passed, the LACP Legislative Committee reviewed its impact and approved asking the Governor to veto the bill. LACP sent a request for a veto to the Governor, but the bill was signed into law.

HB 655 Author: Badon, B Act 300
Relative to the Municipal Police Employees' Retirement System (MPERS), provides for an initial benefit option on a reemployed retiree's additional retirement benefit.

Discussion: HB 655 allows an MPERS employed retiree to choose an IBO for purposes of his additional benefit which accrued during reemployment.

HB 840 Author: White Enrolled
Requires each parish to create an advisory committee on emergency management.

Discussion: HB 840 provides that each parish or police jury president, through the appointed parish director of homeland security and emergency preparedness shall form a parish emergency management advisory committee. The bill provides that the purpose of the committee shall be to offer advice and counsel to the parish or police jury president on homeland security and emergency management issues. It further provides that the parish or police jury president may consider the advice and counsel from the committee on such matters as planning, development, prioritization, coordination and implementation of homeland security and emergency management issues to include but not limited to homeland security and emergency management mitigation, preparedness, response and recovery, grant requests, and the expenditure of grant funds. The legislation provides that the parish or police jury president shall serve as the chairperson of the committee or shall designate the parish director of homeland security and emergency preparedness to serve as the chairperson. If the parish or police jury president serves as the chairperson, the parish director shall serve as vice chairperson of the committee.

The bill provides that at a minimum, membership of the committee consist of:

- (1) A fire chief from the parish as a representative of all the fire chiefs in a parish.
- (2) A chief executive officer from one of the municipalities of the parish, as a representative of all chief executive officers of the parish.
- (3) A police chief from the parish as a representative of all the police chiefs of the parish.
- (4) The sheriff of the parish or his designee.
- (5) A senior executive from the emergency medical services community within a parish.

It provides that the representatives of the fire chiefs, municipal chief executive officers, police chiefs, and emergency medical services shall be appointed to the committee by those persons holding the same position within the parish. Additionally, the legislation provides that the committee shall meet no less often than twice per year and shall submit a report to the director of the Governor's Office of Homeland Security on or before April 1 of each year, commencing April 1, 2010.

HB 864 Author: Richmond Enrolled
 Provides for the assessment and allocation of certain fees for law enforcement training.

Discussion: HB 864 was filed as a result of a recent State Supreme Court case and clarifies that the two dollars of special costs currently collected from criminal defendants be used for the purpose of training local law enforcement officers as directed by the Council on Peace Officer Standards and Training.

HB 896 Author: Richard Vetoed by Governor
 Discussion: HB 896 was the substitute to HB 49 and as passed would have provided that a person holding a public office who represents a voting district having a population of 5,000 or more shall file pursuant to Tier 3 instead of Tier 2 if he serves on a tiered governing authority. Defines "tiered governing authority" as the governing authority of a political subdivision, which governing authority is composed of at least one person holding a public office who represents a voting district having a population of 5,000 or more and at least one person holding a public office who represents a voting district having a population of fewer than 5,000. The legislation was vetoed by the governor.

HR 111 Author: Montoucet Filed with the Secretary of State
 Requests the House Committee on Municipal, Parochial and Cultural Affairs to study and make recommendations on the restrictions on political activities of certain employees of the municipal fire and police civil service

Discussion: Representative Montoucet filed HB 313 and HB 318 to allow those persons employed by municipal fire and police civil service to engage in political activity. The association opposed these two bills and following their defeat in House Municipal Committee, HR 111 was filed requesting that the issue be studied by the House Municipal Committee. Further, a representative of the Louisiana Association of

Chiefs of Police will be a member of the group providing relevant information and suggestions to the House committee.

HCR 147 Author: Simon Filed with the Secretary of State
Directs local governing authorities and emergency service providers to cease the practice of imposing accident response fees

Discussion: Representative Simon filed HCR 147 because of an issue he had heard about from constituents. Apparently, in some areas there had been accident response fees charged to non-residents of a particular area. The resolution directs the LMA, Police Jury Association, Sheriffs Association, Chiefs of Police, LA Ambulance Alliance and the Fire Chief's Association to inform their respective members that the legislature believes this practice is prohibited.

SENATE BILLS

SB 35 Author: Crowe Died in Senate Revenue & Fiscal
Exempts certain law enforcement officers such as sheriffs, sheriff deputies, state police, municipal police whose duties primarily involve the prevention or detection of crime from income taxes on the first \$32,000 of income.

Discussion: SB 35 would have exempted from state individual income tax the first \$32,000 of income earned by a law enforcement officer which is earned in the performance of his duties. The bill was never heard in the Senate Revenue and Fiscal Affairs Committee.

SB 235 Author: Gautreaux, N Enrolled
Provides for the appointment of the chief of police in the town of Duson.

Discussion: SB 235 was originally filed to change the position of chief of police of Duson from elected to appointed. The association worked with the author who agreed to accept amendments that stated that the chief of Duson shall be elected or appointed as provided in RS 33:381.2 (vote of the people.) Additionally, the association placed in statute some qualification requirements for the Duson chief of police. However, when the bill came back to the Senate for concurrence with the amendments, the author decided to reject the amendments, citing that since the amendment the chief of Duson had resigned and that they wanted to move up the effective date to June 15, 2009 and allow the mayor to appoint a new chief with the approval of the board of alderman.

SB 291 Author: Erdey Died in House Administration of Criminal Justice
Allows a security officer employed by a church, synagogue, mosque, or other place of worship to carry a concealed handgun

Discussion: SB 291 would have exempted a security officer who is employed or sanctioned and approved by any church, synagogue, mosque, or other similar place of worship to protect a person or persons or property or both provided the officer successfully completes the Louisiana Commission on Law Enforcement training for peace officers. Troubling to the LACP was the fact that the author wanted members of the church to be able to arm themselves during an "active shooter" situation. Police would have a difficult time distinguishing the "bad guy" from the "good guy." The bill was ultimately converted to SCR 138 to be discussed below.

SB 313 Author: McPherson Enrolled
Prohibits coroners from attending certain motor vehicle crashes.

Discussion: SB 313 was substantially rewritten by the Senate Transportation Committee to prohibit the body of a deceased person from being disturbed or removed from the position in which it was found by any person without authorization from a coroner, or his designee, when such death occurs on a street or highway. It makes an exception to the prohibition for an investigating law enforcement agency in order to obtain identification of the deceased, to preserve the body from loss or destruction, or to maintain the flow of traffic on a highway or railroad.

SCR 138 Author: Erdey
Requests study on the issue of permitting certain persons to have concealed weapons at a place of worship.

Discussion: The LACP worked diligently with the author regarding his bill, SB 291, which would have authorized security officers employed by a church or other place of worship to carry a concealed handgun. The association was opposed to the issues especially after visiting with the author and learning that these "security officers" would be just volunteer members of the congregation. After numerous meetings without resolution the bill was pulled and therefore died for the 2009 Regular Session. SCR 138 was filed to request a study on the issue of permitting certain persons to have concealed weapons at a place of worship. The study will be completed by the Senate Committee on Judiciary B and the House Committee on the Administration of Criminal Justice with the input from the Chiefs, Sheriffs and State Police, and a report will be issued by February 1, 2010.

LEGISLATION OF GENERAL INTEREST
2009 REGULAR SESSION

HOUSE BILLS

HB 11 Author: Hardy Failed House final passage
Provides for a designated driver's license and license plate for individuals convicted of certain controlled dangerous substances violations.

HB 16 Author: Pearson Died in House Ways & Means
Provides for an exemption from state income taxation for certain income earned by certain law enforcement and emergency personnel.

HB 33 Author: Leger Act 263
Enacts the Witness Protection Services Act.

HB 36 Author: Ponti Act 264
Amends the definition of second degree battery.

HB 44 Author: LaFonta Act 150
Creates the crime of discharging a firearm at a public event.

HB 50 Author: Champagne Act 151
Prohibits work release facilities located within 1,000 feet of elementary or secondary schools and day care centers.

HB 70 Author: Hardy Act 267
Provides for \$1 in court costs to be used to support the witness protection program.

HB 82	Author: Billiot	Act 154
Adds a definition of a firearm for purposes of the crime of illegally carrying or possession of a firearm by certain convicted felons.		
HB 87	Author: Carmody	Act 198
Amends elements of the crime of indecent behavior with juveniles involving lewd or lascivious communications.		
HB 90	Author: Ligi	Act 179
Amends the crime of cruelty to animals.		
HB 101	Author: Richard	Died in House & Governmental Affairs
Excludes state retirement income of a spouse from annual financial disclosure requirements.		
HB 107	Author: Morris	Died in House Commerce
Requires participation in regional notification centers by municipalities and parish governments.		
HB 119	Author: Burns, H	Act 272
Provides with respect to testimony by simultaneous audiovisual transmission.		
HB 132	Author: Geymann	Act 155
Amends provisions of law regarding second degree murder		
HB 155	Author: Hardy	Act 199
Amends the definition of negligent injuring and negligent homicide to include attacks by dogs or other animals.		
HB 157	Author: Badon, A	Act 157
Adds definitions applicable to the crime of false personation of a peace officer.		
HB 166	Author: Guillory, M	Died on House calendar
Provides relative to the assessment on fire insurance premiums dedicated to training of fire and emergency personnel.		
HB 171	Author: Hill	Enrolled
Authorizes certain law enforcement officers to conduct searches of certain persons on probation or parole.		
HB 186	Author: Wooton	Act 277
Provides for the remission and allocation of criminal history information processing fees.		
HB 193	Author: Chaney	Act 279
Provides relative to school nutrition programs.		
HB 202	Author: Richardson	Enrolled
Provides for the confidentiality of crime victims.		
HB 206	Author: Lopinto	Became HB 901
Deletes the one-year service requirement for eligibility for state supplemental pay.		
HB 211	Author: Henry	Died in House Ways & Means
Excludes certain income earned by certain law enforcement officers, firemen, and law enforcement personnel from state individual income taxation.		

HB 219	Author: Carmody	Act 200	Provides relative to payment of fines, taxes, and fees to the sheriff and ex officio tax collectors.
HB 232	Author: Smiley	Act 5	Applies postaccident drug testing requirements to accidents involving watercraft.
HB 235	Author: Champagne	Act 6	Applies aggravated flight from an officer statutes to watercraft.
HB 244	Author: Roy	Act 182	Amends provisions of law regarding drug court.
HB 266	Author: Hazel	Act 90	Amends the crime of domestic abuse battery.
HB 278	Author: Ligi	Became HB 893.	Requires generators at gas stations during declared emergencies and disasters.
HB 288	Author: Hazel	Died on Senate calendar	Provides relative to the salaries of certain members of the police department of the city of Pineville.
HB 296	Author: Hazel	Act 8	Amends provisions of law specifying when deputy sheriffs take the oath of office.
HB 310	Author: Hazel	Act 58	Amends elements of the crime of computer-aided solicitation of a minor.
HB 312	Author: Abramson	Act 160	Adds additional predicate offense to crime prohibiting certain felons from possessing firearms.
HB 344	Author: Hines	Died in House Administration of Criminal Justice	Provides with respect to sentencing for the crime of aggravated second degree battery.
HB 346	Author: Pope	Act 9	Provides for the method of collecting DNA samples for inclusion in the state DNA database.
HB 349	Author: Pope	Act 183	Approves certain labs to conduct chemical analyses as relates to DWI
HB 366	Author: Wooton	Act 205	Provides relative to sex offenders.
HB 373	Author: Templet	Died in House Administration of Criminal Justice	Amends provisions of law regarding expungement of criminal records.
HB 387	Author: Richmond	Died in House Administration of Criminal Justice	Bans possession of certain assault weapons.
HB 408	Author: Anders	Act 137	Revises the duties and powers of forestry officers.
HB 445	Author: Baldone	Act 288	Provides with respect to penalties for refusal to submit to DWI tests.
HB 448	Author: Templet	Died in House Ways & Means	

- HB 712** Author: Smith, G Act 222
 Provides that a justice of the peace shall not have the authority to issue a warrant of arrest.
- HB 727** Author: Carmody Died in House Retirement
 Provides relative to the authority of the board of trustees of the Shreveport Police Pension and Relief Fund.
- HB 828** Author: Connick Died in Senate Transportation
 Creates the Crescent City Connection Commission.
- HB 843** Author: Nowlin Died in House Municipal & Parochial
 Authorizes the governing authorities in certain municipalities, parishes, and fire protection districts to adopt a sick leave policy for fire and police department employees.
- HB 896** Author: Richard Vetoed by Governor
 Provides relative to annual financial disclosure for certain public servants. Substitute for HB 49.
- HB 901** Author: Lopinto Enrolled
 Provides relative to supplemental pay for certain firefighters
- HCR 147** Author: Simon Filed with Secretary of State
 Directs local governing authorities and emergency service providers to cease the practice of imposing accident response fees.
- HCR 214** Author: Hardy Died in House & Governmental Affairs
 Authorizes the assistant sergeants at arms for the House and the Senate to carry firearms following training.
- HR 111** Author: Montoucet Filed with Secretary of State
 Requests the House Committee on Municipal, Parochial and Cultural Affairs to study and make recommendations on the restrictions on political activities of certain employees of the municipal fire and police civil service.

SENATE BILLS

- SB 15** Author: LaFleur Died in Senate Judiciary B
 Requires the Department of Public Safety & Corrections to establish and maintain the impaired driver tracking system and provides for the integration of the tracking system into the ICJIS project under certain circumstances.
- SB 58** Author: Shaw Enrolled
 Provides relative to the membership of the Louisiana Sexual Assault Task Force
- SB 121** Author: Long Act 173
 Allows certain Department of Public Safety and Corrections peace officers to purchase their firearms upon retirement from the department.
- SB 124** Author: Jackson, L Enrolled
 Provides relative to the authority of the board of trustees of the Shreveport Police pension system.
- SB 132** Author: Dorsey Act 79
 Provides relative to the crime of first degree murder.
- SB 133** Author: Dorsey Died in Senate Judiciary B

