

Regular Session, 2011
HOUSE BILL NO. 374

ACT No. 282

BY REPRESENTATIVE RICHARDSON

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

1 AN ACT

2 To enact R.S. 33:423(C), relative to municipal police chiefs; to provide relative to the
3 powers granted to an elected police chief in any municipality governed by the
4 Lawrason Act; to authorize the police chief to effect disciplinary action, dismiss
5 police personnel, and to make provisional appointments to fill vacancies in the police
6 department; to provide limitations and exceptions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 33:423(C) is hereby enacted to read as follows:

9 §423. Duties of marshal

10 * * *

11 C.(1)(a) Notwithstanding the provisions of Subsection A of this Section or
12 any other law to the contrary, the elected chief of police of any municipality
13 governed by the provisions of this Part is authorized to immediately effect
14 disciplinary action on police personnel and to dismiss any such personnel subject to
15 the approval of the governing authority of the municipality. Any such disciplinary
16 action or dismissal shall be deliberated by the governing authority at the first special
17 or regular meeting of the governing authority after any such determination has been
18 made by the chief of police.

19 (b) Notwithstanding any other provision of law to the contrary, the elected
20 chief of police in any municipality with a population of not less than one thousand
21 persons and not more than one thousand five persons as of the latest federal
22 decennial census is authorized to effect disciplinary action on police personnel
23 without the approval of the governing authority of the municipality.

1 (2)(a) The chief of police is additionally authorized to make a provisional
2 appointment to immediately fill any vacancy in the police department occurring by
3 reason of death, resignation, termination, or otherwise subject to the approval of the
4 mayor of the municipality. Any such action taken by the chief of police shall be
5 deliberated at the first special or regular meeting of the governing authority of the
6 municipality after any such provisional appointment has been approved by the
7 mayor. Any such provisional appointment shall remain in effect unless rejected by
8 the governing authority of the municipality.

9 (b) Notwithstanding any other provision of law to the contrary, the elected
10 chief of police in any municipality with a population of not less than one thousand
11 persons and not more than one thousand five persons as of the latest federal
12 decennial census is authorized to appoint police personnel, including the authority
13 to make provisional appointments, subject to the budgetary limitations of the chief
14 of police pertaining to the number of allotted positions for the police department. All
15 appointments shall be subject to the concurrence of the mayor of the municipality.

16 Section 2. This Act shall become effective upon signature by the governor or, if not
17 signed by the governor, upon expiration of the time for bills to become law without signature
18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
19 vetoed by the governor and subsequently approved by the legislature, this Act shall become
20 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____