

2015 Regular Session

SENATE BILL NO. 37

BY SENATORS MORRELL, JOHNS, PETERSON AND GARY SMITH AND REPRESENTATIVES ADAMS, WESLEY BISHOP, GISCLAIR AND PATRICK WILLIAMS

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

LAW ENFORCEMENT. Requires the Council on Peace Officer Standards and Training to develop and continuously update certain training programs for peace officers and college or university police officers. (gov sig)

1 AN ACT

2 To enact R.S. 17:1805(H) and R.S. 40:2405.8, relative to the Council on Peace Officer

3 Standards and Training; to provide relative to peace officer training and course

4 requirements; to provide relative to sexual assault awareness training for persons

5 employed as full-time college or university police officers; to provide relative to

6 homicide investigator training; to provide relative to sexual assault awareness

7 training for all peace officers; to provide for the promulgation of rules and

8 regulations and the oversight thereof; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 17:1805(H) is hereby enacted to read as follows:

11 §1805. Authority of university or college police officer

12 \* \* \*

13 **H. On and after January 1, 2016, each person who is employed as a full-**

14 **time college or university police officer shall complete a sexual assault**

15 **awareness training program as provided by the Council on Peace Officer**

16 **Standards and Training pursuant to R.S. 40:2405.8.**

17 Section 2. R.S. 40:2405.8 is hereby enacted to read as follows:

1        **§2405.8. Additional peace officer training requirements**

2            **A. The council shall develop and continuously update a Peace Officer**  
3        **Standards and Training (POST) recognized homicide investigator training**  
4        **program and a sexual assault awareness training program for peace officers**  
5        **that shall consist of classroom or Internet instruction, or both. The training**  
6        **programs may include field officer training as prescribed by the council.**

7            **B. Homicide Investigator. The council shall create and maintain a**  
8        **current list of those peace officers who have successfully completed the**  
9        **homicide investigator training program for purposes of coordinating homicide**  
10       **investigations occurring in the state. On and after January 1, 2017, only peace**  
11       **officers who successfully complete the homicide investigator training program**  
12       **or receive a waiver of compliance based on prior training or experience as a**  
13       **homicide investigator shall be assigned to lead investigations in homicide cases.**

14           **C.(1) Sexual Assault. The council shall develop the sexual assault**  
15       **awareness training program in a series of modules to include all of the**  
16       **following:**

17           **(a) The neurobiology of sexual assault and trauma, including victim**  
18       **impact.**

19           **(b) Response to sexual assault, including but not limited to investigative**  
20       **methods, collecting and securing evidence, and interviewing victims.**

21           **(c) Applicable federal and state victim's rights laws.**

22           **(2) The council shall solicit free or no-cost training and technical**  
23       **assistance and may accept gifts, grants, and donations from whatever sources**  
24       **are available for purposes of this Subsection. The council shall consult with**  
25       **appropriate governmental agencies and nongovernmental statewide agencies in**  
26       **the development and presentation of the training required by this Subsection.**  
27       **Regarding nongovernmental agencies, only agencies whose primary purpose is**  
28       **the delivery of sexual assault services to victims are required to be consulted.**

29           **(3) On and after July 1, 2016, each peace officer shall complete a sexual**

1 assault awareness training program as provided by the council.

2 D. The council shall create and maintain a current list of those peace  
 3 officers who have successfully completed the sexual assault awareness training  
 4 program for purposes of coordinating sexual assault investigations.

5 E.(1) The council shall promulgate rules and regulations in accordance  
 6 with the Administrative Procedure Act, subject to the oversight of the House  
 7 Committee on the Administration of Criminal Justice and the Senate  
 8 Committee on Judiciary B for the implementation of a homicide investigator  
 9 training program no later than July 1, 2016.

10 (2) The council shall promulgate rules and regulations in accordance  
 11 with the Administrative Procedure Act, subject to the oversight of the House  
 12 Committee on the Administration of Criminal Justice and the Senate  
 13 Committee on Judiciary B for the implementation of a sexual assault awareness  
 14 training program as provided in R.S. 17:1805(H) no later than October 1, 2015.

15 Section 3. This Act shall become effective upon signature by the governor or, if not  
 16 signed by the governor, upon expiration of the time for bills to become law without signature  
 17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 18 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 19 effective on the day following such approval.

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The original instrument was prepared by Cathy R. Wells. The following digest, which does not constitute a part of the legislative instrument, was prepared by Thomas F. Wade.

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DIGEST

SB 37 Reengrossed 2015 Regular Session Morrell

Present law requires the Council on Peace Officer Standards and Training to develop minimum curriculum requirements for the training of peace officers.

Proposed law requires the council to develop and continuously update a POST recognized homicide investigator training program and a sexual assault awareness training program for peace officers that consist of classroom or Internet instruction, or both. Proposed law authorizes the homicide training to include field officer training as prescribed by the council.

Proposed law requires that on and after Jan. 1, 2016, each person who is employed as a full-time college or university police officer shall complete a sexual assault awareness training program as provided by the council as provided in proposed law.

Proposed law requires each peace officer shall complete a sexual assault awareness training program as provided by the council.

Proposed law requires the council to create and maintain a current list of those peace officers who have successfully completed the homicide investigator training program for purposes of coordinating homicide investigations occurring in the state. Proposed law provides that on and after Jan. 1, 2017, only law enforcement officers who successfully complete the homicide investigator training program or receive a waiver of compliance based on prior training or experience as a homicide investigator shall be assigned to lead investigations in homicide cases.

Proposed law requires the council to develop the sexual assault awareness training program in a series of modules to include all of the following:

- (1) The neurobiology of sexual assault and trauma, including victim impact.
- (2) Response to sexual assault, including but not limited to investigative methods, collecting and securing evidence, and interviewing victims.
- (3) Applicable federal and state victim's rights laws.

Proposed law requires the council to solicit free or no cost training and technical assistance and may accept gifts, grants, and donations from whatever sources are available for purposes of proposed law. Proposed law further requires the council to consult with appropriate governmental agencies and nongovernmental statewide agencies in the development and presentation of the training required by proposed law. Regarding nongovernmental agencies, only agencies whose primary purpose is the delivery of sexual assault services to victims are required to be consulted.

Proposed law requires the council to promulgate rules and regulations in accordance with the APA, subject to the oversight of the House Committee on the Administration of Criminal Justice and the Senate Committee on Judiciary B for the implementation of a homicide investigator training program no later than July 1, 2016.

Proposed law requires the council to promulgate rules and regulations in accordance with the APA, subject to the oversight of the House Committee on the Administration of Criminal Justice and the Senate Committee on Judiciary B for the implementation of the sexual assault awareness training program for persons employed full-time as college or university police officers no later than Oct. 1, 2015.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 17:1805(H) and R.S. 40:2405.8)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Changes proposed law homicide investigator training from lead homicide investigator training to POST recognized homicide investigator training.
2. Adds authorization for homicide investigator training programs to include field officer training.
3. Regarding proposed law requirement for appointments to lead investigations in homicide cases, adds authorization for a waiver from homicide investigator training based on prior training or experience as a homicide

investigator.

Summary of Amendments Adopted by Senate

1. Clarifies that peace officers shall complete a sexual assault awareness training program by July 1, 2016.
2. Clarifies that the council shall promulgate rules to implement a homicide investigation training program no later than 7/1/16.