

## NOTICE OF INTENT

**Office of the Governor  
Commission on Law Enforcement and  
Administration of Criminal Justice**

Peace Officer Training (LAC 22:III.Chapter 47)

In accordance with the provision of R.S. 40:2401, et. seq., the Peace Officer Standards and Training Act, and R.S. 40:905 et. seq., which is the Administrative Procedure Act, the Peace Officer Standards and Training Council hereby, gives notice of its intent to promulgate rules and regulations relative to the training of peace officers.

### Title 22

## CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

### Part III. Commission on Law Enforcement and Administration of Criminal Justice

#### Subpart 4. Peace Officers

#### Chapter 47. Standards and Training

##### §4705. Registration

###### A. Full Time Grandfathered Peace Officers

1. Registration may be granted in lieu of certification to those full-time peace officers who:

- a. were hired prior to January 1, 1986
- b. did not attend a POST-certified training; and
- c. are currently performing the duties of a peace officer.

2. *Registration* simply means that the officer is registered with POST and he/she is not required to comply with the mandates for basic POST certification.

3. Full-time peace officers hired prior to January 1, 1986, may be eligible to receive POST registration by completing the following requirements.

- a. Submit a letter to the POST Council from the agency head requesting the officer be registered with the state.
- b. Supporting documentation shall accompany the letter regarding initial employment date along with a chronological narrative of the officer's law enforcement service on a form prescribed by POST.

###### B. Part-Time/ Reserve Grandfathered Peace Officers

1. Registration may be granted in lieu of certification to those part time/reserve peace officers who:

- a. were hired prior to January 1, 2022;
- b. did not attend POST-certified basic training; and
- c. are currently performing the duties of a peace officer.

2. *Registration* simply means that the officer is registered with POST and he/she is not required to comply with the mandates for basic POST certification.

3. Part-time/reserve peace officers hired prior to January 1, 2022, may be eligible to receive POST registration by completing the following requirements:

- a. submit a letter to the POST Council from the agency head requesting the officer be registered with the state;
- b. supporting documentation shall accompany the letter regarding initial employment date along with a chronological narrative of the officer's law enforcement service on a form prescribed by POST.

4. Registered part-time/reserve peace officers who are "grandfathered in" are exempt from the basic training course requirement but must comply with all other POST mandates to maintain grandfathership including POST inservice training.

E. Registration/grandfatherhood shall become invalid if officer experiences a five year or more break in law enforcement service and has less than five years of full time experience.

F. Officers, who were hired prior to January 1, 1986, and who experience a five year or more break in law enforcement, and had at least five years of full-time service, can reinstate their grandfatherhood by successfully completing:

1. the firearms section of the Louisiana Law Enforcement Basic Training Manual;
2. the legal aspects of the Louisiana Law Enforcement Basic Training Manual; and
3. the necessary requirements for POST registration in accordance with the provisions of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1204 and R.S. 15:1207.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 13:434 (August 1987), amended LR 25:663 (April 1999), LR 31:3159 (December 2005), LR 37:319 (January 2011), LR 44:1008 (June 2018), LR 47:

#### **§4709. Interruption of Service**

A. Any grandfathered peace officer who interrupts his full-time continuous law enforcement employment for a period in excess of five years (“break in service”) and is subsequently rehired, shall be required to meet the basic training requirement for new peace officers unless the officer had:

1. at least a minimum of five years’ experience, then the officer must meet the requirement of §4705.C;
2. already completed a POST certified basic training course, he/shall then be required to complete the legal aspects and firearms portion of the course, qualify on the POST firearms qualification course, and pass the statewide examination, at an accredited training center. Proof of basic training will be required. If the student fails the statewide examination, the student must complete a full basic training course.

B. Any certified peace officer who interrupts his/her law enforcement service for a period of not to exceed five years, must qualify with his/her firearms to reinstate their certification. If the officer had interrupted his/her law enforcement services for a period of five years, and is thereafter rehired, then the officer must meet the requirement outlined in §4709.A.2.

C. Extended medical leave does not constitute an interruption of full-time service/employment (“break in service”).

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1204 and R.S. 15:1207.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 13:434 (August 1987), amended LR 25:664 (April 1999), LR 31:3159 (December 2005), LR 34:1927 (September 2008), LR 35:319 (January 2011), LR 44:1008 (June 2018), LR 47:

#### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed rule has been considered. This proposed rule will have no impact on family functioning, stability, or autonomy as described in R.S. 49:972 since it outlines the implementation of sexual assault awareness training for peace officers.

#### **Poverty Impact Statement**

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973. B. In particular, there should be no known or foreseeable effect on: (1) the effect on household income, assets, and financial security; (2) the effect on early childhood development and preschool through post-secondary education development; (3) the effect on employment and workforce development; (4) the effect on taxes and tax credits; (5) the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

#### **Small Business Analysis**

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in

the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on: (1) the effect on the staffing level requirement or qualifications required to provide the same level of service; (2) the total direct and indirect effect on the cost to the providers to provide the same level of service; or (3) the overall effect on the ability of the provider to the same level of service.

### **Public Comments**

Interested persons may submit written comments on this proposed Rule no later than May 1, 2021 at 5pm to Bob Wertz, Peace Officer Standards and Training Council, Louisiana Commission on Law Enforcement, Box 3133 Baton Rouge, LA 70821. An analysis of the proposed rule shows that it will have no impact on the family as described in R.S. 49.972, nor any impact on small business as defined by Act 820 of 2008.

Mr. Jim Craft  
Executive Director

## **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

### **RULE TITLE: Peace Officer Training**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There may be an increase in expenditures of local municipalities and sheriffs' departments to the extent they do not grandfather their part-time and reserve peace officers under the proposed rules. The LCLE does not reimburse local municipalities and sheriffs' departments for training parttime and reserve officers and therefore there is no impact on expenditures of the Louisiana Commission on Law Enforcement (LCLE).

The proposed rules set forth guidelines for all part-time and reserve peace officers as considered in Act 272 of the 2017 Regular Session. The proposed rules would permit all reserve and part-time peace officers hired before January 1, 2022, to be grandfathered by the Council on Peace Officer Standards and Training, and to not be required to complete a mandatory basic level training course.

There are approximately 3,200 part-time and reserve peace officers within local municipalities and sheriffs' departments in the state of Louisiana. Of that amount, only approximately 1,020 have been certified by the POST council. If the remaining part-time/reserve officers are not grandfathered, then those officers would be required to successfully complete a basic training course for peace officers. The total training cost is approximately \$500 per officer. Providing training for the non-certified 2,180 officers would cost local municipalities and/or sheriffs' departments approximately \$1,090,000. Local municipalities and sheriffs' departments will be required to have their part-time & reserve officers successfully complete a POST basic training course after January 1, 2022, as required by Act 272.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule will not increase revenue collections of state or local governmental units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

There is no impact to private citizens, small businesses, or non-governmental groups.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no effect on competition or employment in the public or private sector as a result of this proposed amendment.