

HB 34 -- LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS

SPONSOR: Shawan

This bill establishes the "Law Enforcement Officers' Bill of Rights".

The bill defines a "law enforcement officer" as any sworn peace officer, except an elected sheriff or deputy, who possesses the duty and power of arrest for violations of the criminal laws of this state or for violations of ordinances of counties or municipalities of this state. These provisions do not apply to an officer serving in a probationary period or the highest ranking officer of any law enforcement agency.

The bill specifies certain rights a law enforcement officer has when he or she is the subject of an administrative investigation or is being questioned or interviewed. The conditions under which the investigation or questioning are conducted are set out in detail in the bill.

The bill provides that any law enforcement officer who is suspended without pay, demoted, terminated, transferred, or placed on a status resulting in economic loss is entitled to a full due process hearing. The hearing requirements are specified in the bill, and the hearing must be conducted within a reasonable time period no later than 120 days from the notification of discipline.

Any decision, order or action taken following the hearing must be in writing and accompanied by findings of fact consisting of a concise statement upon each issue in the case. A copy of the decision or order accompanying findings and conclusions along with the written action and right of appeal, if any, must be delivered or mailed promptly to the law enforcement officer or to the officer's attorney or representative of record. Law enforcement officers will have the opportunity to provide a written response to any adverse materials placed in their personnel file, and permanently attached to the adverse material.

Law enforcement officers shall not be subject to double jeopardy in the administration of discipline through separate punishments for the same alleged act by multiple administrative bodies, except that multiple administrative bodies may impose the same punishment concurrently for the same act; and law enforcement officers shall not be disciplined, demoted, dismissed, transferred, or placed on a status resulting in economic loss as a result of the assertion of their Constitutional rights in any judicial proceeding.

This bill is the same as SB 7 (2020 1st Extraordinary).