

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2084

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

16 **SECTION 1.** This act shall be known and cited as the "Law
17 Enforcement Employment Procedures Act of 2006."

18 It is the intent of the Legislature to provide a fair and
19 impartial hearing to law enforcement officers employed by
20 municipalities prior to the disciplinary suspension or termination
21 of those officers.

22 **SECTION 2.** (1) A municipality shall provide by ordinance or
23 policy a pre-disciplinary hearing prior to the suspension or
24 termination of a law enforcement officer employed by the
25 municipality.

26 (2) Nothing in this act shall be construed to prohibit a
27 municipality from placing a law enforcement officer on leave with
28 or without pay until the entity charged with the responsibility of
29 conducting the hearing has rendered a decision in the matter.

30 **SECTION 3.** A municipality shall establish written due
31 process procedures applicable to the pre-disciplinary hearing. At
32 a minimum, this due process shall consist of:

33 (a) Written notice to the officer of the reason or
34 reasons for the termination or suspension. This notice shall be

35 issued by the person or persons with authority to suspend or
36 terminate the law enforcement officer. The notice shall also
37 inform the officer that the officer, within five (5) days of
38 receipt of the notice, may request a hearing in writing and where
39 such written request should be filed. If the officer fails to
40 request a hearing within five (5) days after receiving written
41 notice of the suspension or termination, the right to such hearing
42 shall be deemed waived.

43 (b) The accused officer shall have the right to appear
44 at the hearing and to be represented at the officer's own expense.
45 The officer or representative shall have the right to address any
46 charges against the officer. If the officer has a representative,
47 the officer may also be present at the hearing.

48 (c) The officer or the officer's representative shall
49 have the right to present evidence and question witnesses who
50 testify in the proceeding.

51 **SECTION 4.** A municipality may also hold a separate
52 post-disciplinary hearing on the suspension or termination of the
53 law enforcement officer. If the municipality holds a separate
54 post-disciplinary hearing, the officer or officer's representative
55 may present evidence and question witnesses.

56 **SECTION 5.** The hearing shall be conducted by an impartial
57 hearing officer or body. If the hearing is before the municipal
58 governing body, the hearing may be conducted in an executive
59 session, provided that final adjudication shall occur in an open
60 session.

61 **SECTION 6.** Nothing contained in this act shall prohibit a
62 municipality from enacting an ordinance or adopting procedures
63 which exceed the requirements of this act.

64 **SECTION 7.** The rules of evidence and rules of discovery
65 shall not apply to hearings held pursuant to this act.

66 **SECTION 8.** This act shall only apply to a municipality if
67 the municipality employs five (5) or more full-time law
68 enforcement officers.

69 **SECTION 9.** This act shall not apply to any municipality that
70 has a civil service commission.

71 **SECTION 10.** This act shall stand repealed from and after
72 July 1, 2009.

73 **SECTION 11.** This act shall take effect and be in force from
74 and after July 1, 2006.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO REQUIRE MUNICIPALITIES TO PROVIDE A PREDISCIPLINARY
2 HEARING PRIOR TO THE SUSPENSION OR TERMINATION OF ANY LAW
3 ENFORCEMENT OFFICER; TO ESTABLISH A MINIMUM LEVEL OF WRITTEN DUE
4 PROCESS PROCEDURES; TO SPECIFY WHAT NOTICE SHALL BE PROVIDED TO
5 THE OFFICER; TO PROVIDE THAT THE OFFICER MAY ATTEND THE HEARING,
6 MAY BE REPRESENTED BY COUNSEL, MAY PRESENT EVIDENCE ON HIS OR HER
7 OWN BEHALF, AND MAY QUESTION WITNESSES AGAINST HIM OR HER; TO
8 PROVIDE THAT FINAL ADJUDICATION SHALL BE HELD IN OPEN MEETING; TO
9 PROVIDE THAT A MUNICIPALITY MAY ENACT PROCEDURES THAT PROVIDE
10 GREATER PROTECTIONS TO LAW ENFORCEMENT OFFICERS THAN THE MINIMUM
11 REQUIRED BY THE ACT; TO EXEMPT MUNICIPALITIES THAT HAVE A CIVIL
12 SERVICE COMMISSION OR THAT EMPLOY LESS THAN FIVE FULL-TIME LAW
13 ENFORCEMENT OFFICERS FROM THIS ACT; TO PROVIDE A REPEAL DATE OF
14 JULY 1, 2009; AND FOR RELATED PURPOSES.