

## REPORT OF CONFERENCE COMMITTEE

**MADAM PRESIDENT AND MR. SPEAKER:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2760: Law enforcement officers; provide minimum due process rights for municipal.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendments 1 & 2.
2. That the Senate and House adopt the following amendment:

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

14        SECTION 1. This act shall be known and cited as the "Law  
15 Enforcement Employment Procedures Act."

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

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

24        (2) Nothing in this act shall be construed to prohibit a  
25 municipality from placing a law enforcement officer on leave  
26 without pay until the entity charged with the responsibility of  
27 conducting the hearing has rendered a decision in the matter if  
28 the officer has been charged with a criminal offense. Otherwise,  
29 the officer shall be placed on leave with pay pending the  
30 decision. An officer placed on leave without pay who is not found  
31 guilty of the criminal offense is eligible for back pay upon  
32 reinstatement to duty.

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

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

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

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

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

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

63           SECTION 6. This act shall not apply to a municipality that  
64 employs five (5) or fewer full-time sworn law enforcement  
65 officers.

66           SECTION 7. The rules of evidence and rules of discovery  
67 shall not apply to hearings held pursuant to this act.

68           SECTION 8. This act shall not apply to any municipality that  
69 has a civil service commission or that has an ordinance requiring  
70 due process that meets or exceeds the process set forth in this  
71 act.

72           SECTION 9. This act shall take effect and be in force from  
73 and after January 1, 2008.

**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  
2 PRE-DISCIPLINARY HEARING PRIOR TO THE SUSPENSION OR TERMINATION OF  
3 ANY LAW ENFORCEMENT OFFICER; TO ESTABLISH A MINIMUM LEVEL OF  
4 WRITTEN DUE PROCESS PROCEDURES; TO SPECIFY WHAT NOTICE SHALL BE  
5 PROVIDED TO THE OFFICER; TO PROVIDE THAT THE OFFICER MAY ATTEND  
6 THE HEARING, MAY BE REPRESENTED BY COUNSEL, MAY PRESENT EVIDENCE  
7 ON HIS OWN BEHALF AND QUESTION WITNESSES; TO PROVIDE THAT THE  
8 EVIDENTIARY PHASE OF THE HEARING MAY BE HELD IN EXECUTIVE SESSION;  
9 TO PROVIDE THAT FINAL ADJUDICATION SHALL BE HELD IN OPEN MEETING;  
10 TO EXEMPT MUNICIPALITIES THAT HAVE A CIVIL SERVICE COMMISSION OR  
11 PROVIDE GREATER PROTECTIONS TO LAW ENFORCEMENT OFFICERS THAN THE  
12 MINIMUM REQUIRED BY THE ACT; AND FOR RELATED PURPOSES.

CONFEREES FOR THE SENATE

X (SIGNED)  
Tollison

X (SIGNED)  
Walls

X (SIGNED)  
Morgan

CONFEREES FOR THE HOUSE

X (SIGNED)  
Robinson (63rd)

X (SIGNED)  
Myers

X (SIGNED)  
Mayo