

## REPORT OF CONFERENCE COMMITTEE

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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 Amendment No. 1.
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:

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

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

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

23        (2) Nothing in this act shall be construed to prohibit a  
24        municipality from placing a law enforcement officer on leave  
25        without pay until the entity charged with the responsibility of  
26        conducting the hearing has rendered a decision. An officer who is  
27        terminated due to a criminal charge or who is placed on leave  
28        without pay due to a criminal charge and who is not found guilty  
29        of the criminal offense may be eligible for back pay upon  
30        reinstatement to duty.

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

34 (a) Written notice to the officer of the reason or  
35 reasons for the termination or suspension. This notice shall be  
36 issued by the person or persons with authority to suspend or  
37 terminate the law enforcement officer. The notice shall also  
38 inform the officer that the officer, within five (5) days, may  
39 request a hearing in writing and where such written request should  
40 be filed. If the officer fails to request a hearing within five  
41 (5) days after receiving written notice of the suspension or  
42 termination, the right to such hearing 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.** This act shall not apply to a municipality that  
62 employs five (5) or fewer full-time sworn law enforcement  
63 officers.

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 not apply to any municipality that  
67 has a civil service commission or that has an ordinance requiring  
68 a due process policy.

69        **SECTION 9.** This act shall take effect and be in force from  
70 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 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 OWN  
7 BEHALF AND QUESTION WITNESSES; TO PROVIDE THAT THE EVIDENTIARY  
8 PHASE OF THE HEARING MAY BE HELD IN EXECUTIVE SESSION; TO PROVIDE  
9 THAT FINAL ADJUDICATION SHALL BE HELD IN OPEN MEETING; TO EXEMPT  
10 MUNICIPALITIES THAT HAVE A CIVIL SERVICE COMMISSION OR DUE PROCESS  
11 POLICY; AND FOR RELATED PURPOSES.

CONFEREES FOR THE SENATE	CONFEREES FOR THE HOUSE
X (SIGNED) Tollison	X (SIGNED) Robinson (63rd)
X (SIGNED) Walls	X (SIGNED) Myers
X (SIGNED) Morgan	X (SIGNED) Mayo