

Bill No. SB 492

Barcode 905508

CHAMBER ACTION

Senate

House

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The Committee on Criminal Justice (Bennett) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Paragraph (d) of subsection (1) and paragraph (a) of subsection (6) of section 112.532, Florida Statutes, are amended to read:

112.532 Law enforcement officers' and correctional officers' rights.--All law enforcement officers and correctional officers employed by or appointed to a law enforcement agency or a correctional agency shall have the following rights and privileges:

(1) RIGHTS OF LAW ENFORCEMENT OFFICERS AND CORRECTIONAL OFFICERS WHILE UNDER INVESTIGATION.--Whenever a law enforcement officer or correctional officer is under investigation and subject to interrogation by members of his or her agency for any reason which could lead to disciplinary action, demotion, or dismissal, such interrogation shall be

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1 conducted under the following conditions:

2 (d) The law enforcement officer or correctional
 3 officer under investigation shall be informed of the nature of
 4 the investigation prior to any interrogation, and ~~he or she~~
 5 ~~shall be informed~~ of the names ~~name~~ of all complainants. All
 6 identifiable witnesses shall be interviewed, whenever
 7 possible, prior to the investigative interview of the accused
 8 officer. The complaint and all witness statements shall be
 9 provided to the accused officer before beginning the
 10 investigative interview of that officer. The officer, after
 11 being informed of the right to review witness statements, may
 12 voluntarily waive the provisions of this paragraph and provide
 13 a voluntary statement at any time.

14 (6) LIMITATIONS PERIOD FOR DISCIPLINARY ACTIONS.--

15 (a) Except as provided in this subsection, no
 16 disciplinary action, demotion, or dismissal shall be
 17 undertaken by an agency against a law enforcement officer or
 18 correctional officer for any act, omission, or other
 19 allegation of misconduct if the investigation of such
 20 allegation is not completed within 180 days after the date the
 21 agency receives notice of the allegation by a person
 22 authorized by the agency to initiate an investigation of the
 23 misconduct. If ~~In the event that~~ the agency determines that
 24 disciplinary action is appropriate, it shall complete its
 25 investigation and give notice in writing to the law
 26 enforcement officer or correctional officer of its intent to
 27 proceed with disciplinary action, along with a proposal of the
 28 action sought. Such notice ~~to the officer~~ shall be provided
 29 within 180 days after the date the agency received notice of
 30 the alleged misconduct, except as follows:

31 1. The running of the limitations period may be tolled

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1 for a period specified in a written waiver of the limitation
2 by the law enforcement officer or correctional officer.

3 2. The running of the limitations period shall be
4 tolled during the time that any criminal investigation or
5 prosecution is pending in connection with the act, omission,
6 or other allegation of misconduct.

7 3. If the investigation involves an officer who is
8 incapacitated or otherwise unavailable, the running of the
9 limitations period shall be tolled during the period of
10 incapacitation or unavailability.

11 4. In a multijurisdictional investigation, the
12 limitations period may be extended for a period of time
13 reasonably necessary to facilitate the coordination of the
14 agencies involved.

15 5. The running of the limitations period may be tolled
16 for emergencies or natural disasters during the time period
17 that the Governor has declared a state of emergency within the
18 jurisdictional boundaries of the concerned agency.

19 Section 2. This act shall take effect July 1, 2007.

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22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 Delete everything before the enacting clause

25

26 and insert:

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 A bill to be entitled

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 An act relating to the investigations of law

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 enforcement and correctional officers; amending

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 s. 112.532, F.S.; requiring that all

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 identifiable witnesses to a complaint against

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1 an officer be interviewed, whenever possible,
2 prior to the investigative interview of the
3 accused officer; requiring that the accused
4 officer be furnished with the complaint and
5 witness statements prior to the investigative
6 interview; providing for waiver of the right to
7 review witness statements and provide a
8 statement by an officer; providing for tolling
9 of the limitations period during an emergency
10 or natural disaster; providing an effective
11 date.

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