

1 including, but not limited to, a district attorney or city or
2 municipal attorney; and

3 2. "Law enforcement agency" means an agency of the state or an
4 agency of a political subdivision of the state authorized by law to
5 employ peace officers.

6 B. When evaluating the credibility of a peace officer who is
7 serving or will serve as a witness in a criminal proceeding, the
8 attorney representing the state may not disqualify the peace officer
9 as a witness on the basis of an allegation of misconduct by the
10 peace officer that has not been finally adjudicated as sustained.

11 C. For purposes of this section, an allegation of misconduct by
12 a peace officer is not considered finally adjudicated as sustained
13 if the allegation is under appeal through an administrative process
14 or judicial proceeding.

15 D. A peace officer who:

16 1. Is the subject of an allegation of misconduct reported by a
17 law enforcement agency to an attorney representing the state;

18 2. Has been notified of a determination by an attorney
19 representing the state that the peace officer is not considered
20 credible to testify in a criminal proceeding as a result of an
21 allegation of misconduct; or

22 3. Has his or her name placed on a "Do Not Call" list of
23 noncredible peace officers by a law enforcement agency or an
24 attorney representing the state, may dispute the report,

1 determination, or listing by filing a petition with the Office of
2 the Attorney General for the purpose of contesting said allegation,
3 determination, listing, or other similar action that adversely
4 reflects on the credibility of the peace officer. Upon request by
5 the affected peace officer, the attorney representing the state or
6 relevant law enforcement agency shall provide the underlying facts
7 affecting the credibility of the peace officer to the peace officer
8 for purposes of a hearing under subsection E of this section.

9 E. The Office of the Attorney General shall refer the petition
10 to an administrative law judge for an evidentiary hearing. The
11 administrative law judge shall provide findings of fact and
12 conclusions of law as to the validity of the allegations of
13 misconduct by the peace officer that resulted in the peace officer
14 being placed on a "Do Not Call" list of noncredible peace officers.
15 The respondent in the hearing shall be the law enforcement agency
16 that reported or alleged the misconduct by the peace officer.

17 F. 1. If a peace officer has been placed on a "Do Not Call"
18 list of noncredible peace officers due to an allegation of
19 misconduct and the administrative process addressing said allegation
20 is still pending or has been appealed, the administrative law judge
21 shall find in favor of the peace officer.

22 2. If the administrative law judge finds the allegations of
23 misconduct are not supported by a preponderance of the evidence, the
24 law enforcement agency and attorney for the state may not rely on

1 | said allegations for any purpose. Any court that considers the
2 | credibility of a peace officer who has filed a petition with the
3 | Office of the Attorney General, as authorized under the provisions
4 | of this section, shall be provided a copy of the findings of fact
5 | and conclusions of law issued by the administrative law judge.

6 | G. Nothing in the provisions of this act shall prevent an
7 | attorney representing the state from disclosing credibility issues
8 | of a witness to the court.

9 | SECTION 2. This act shall become effective November 1, 2025.

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11 | COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY
12 | OVERSIGHT, dated 02/25/2025 - DO PASS.

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