

Regular Session, 2009

ACT No. 271

HOUSE BILL NO. 118

BY REPRESENTATIVE JANE SMITH AND SENATOR MARIONNEAUX

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact Code of Criminal Procedure Article 682, relative to the appointment of a substitute for a recused district attorney; to remove requirement that the substitute attorney be from the same judicial district as the district attorney who has been recused; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 682 is hereby amended and reenacted to read as follows:

Art. 682. Appointment of substitute for a recused district attorney

When a district attorney is recused, or recuses himself, the trial judge shall either appoint an attorney at law ~~of that district~~, who has the qualifications of a district attorney and is not an assistant to the recused district attorney, to act in the place of the district attorney in the case, or shall notify the attorney general in writing of the recusation. In the latter instance, it shall be the duty of the attorney general to appoint a member of his staff or a district attorney of another district to act in the place of the recused district attorney. The substitute appointed for the recused

1 district attorney shall have all powers of the recused district attorney with reference
2 to the case.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____