

2020 Regular Session

HOUSE BILL NO. 141

BY REPRESENTATIVE BEAULLIEU

PUBLIC OFFICIALS: Prohibits public officials and employees from requiring that payments to an official or public entity be made payable to a person by name

1 AN ACT

2 To enact R.S. 42:1462, relative to payments made to public officials and agencies; to  
3 prohibit a requirement that payments be made payable to a named person; to provide  
4 for criminal penalties; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 42:1462 is hereby enacted to read as follows:

7 §1462. Payments to public officials and entities

8 A. No official, whether elected or appointed and whether compensated or  
9 not, and no employee of a public entity as defined by R.S. 42:1461 shall require that  
10 any form of payment to the official in his official capacity or to the entity be made  
11 payable to a person by name or to a payee that includes a person's name however  
12 styled.

13 B. Any person who violates this Section shall be deemed to have committed  
14 the crime of malfeasance in office and is subject to penalties provided by R.S.  
15 14:134.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 141 Original

2020 Regular Session

Beaulieu

**Abstract:** Prohibits public officials and employees from requiring that payments to an official or public entity be made payable to a person by name.

Proposed law prohibits a public official or employee of a public entity from requiring that payments to the official or entity be made payable to a person by name.

Proposed law is applicable to an official, whether elected or appointed and whether compensated or not, and employees of any department, division, office, board, agency, commission, or other organizational unit of any of the three branches of state government or of any parish, municipality, school board, or district, court of limited jurisdiction, or other political subdivision or district, or the office of any sheriff, district attorney, coroner, or clerk of court.

Proposed law provides that a person who violates proposed law has committed the crime of malfeasance in office and is subject to penalties provided by present law for that crime. Present law provides that a person who commits malfeasance in office:

- (1) Shall be imprisoned for not more than five years with or without hard labor or shall be fined not more than \$5000, or both.
- (2) May be ordered to pay restitution to the state if the state suffered a loss as a result of the offense; provides that restitution includes payment of legal interest.
- (3) If the person is a P.O.S.T. certified peace officer, the P.O.S.T certification shall be immediately revoked.

(Adds R.S. 42:1462)