

2026 Regular Session

HOUSE BILL NO. 243

BY REPRESENTATIVE WILDER

DISTRICT ATTORNEYS: Provides relative to the appointment of a substitute for a recused district attorney

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 682, relative to the recusal of a
3 district attorney; to provide for the notification to the attorney general; to provide for
4 the appointment of an attorney for the recused district attorney; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

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

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

10 When a district attorney is recused, or recuses himself, the trial judge shall
11 ~~either appoint an attorney at law, who has the qualifications of a district attorney and~~
12 ~~is not an assistant to the recused district attorney, to act in the place of the district~~
13 ~~attorney in the case, or shall notify the attorney general in writing of the recusation.~~
14 ~~In the latter instance, it~~ It shall be the duty of the attorney general to appoint a
15 member of his staff or a district attorney of another district to act in the place of the
16 recused district attorney. The substitute appointed for the recused district attorney
17 shall have all powers of the recused district attorney with reference to the case.

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)]

HB 243 Original

2026 Regular Session

Wilder

Abstract: Provides relative to the appointment of a substitute for a recused district attorney.

Present law provides that when a district attorney is recused, or recuses himself, the trial judge shall appoint an attorney 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 for the attorney general to appoint a member of his staff or a district attorney from another district to act in the place of the recused district attorney.

Proposed law deletes present law that requires the trial judge to appoint an attorney who has the qualifications of a district attorney and is not an assistant to the recused district attorney.

Proposed law retains present law that requires the trial judge to notify the attorney general in writing and the requirement for the attorney general to appoint a member of his staff or a district attorney from another district to act in the place of the recused district attorney.

(Amends C.Cr.P. Art. 682)