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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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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DIGEST

SB 425 Original 2026 Regular Session Morris

Present law provides for removal of a public officer from office for conviction during his term of office of a felony.

Proposed law retains present law but also authorizes removal of a public official for malfeasance or gross misconduct while in office.

Present law provides for automatic suspension from office without compensation of a public officer for conviction for a felony during his term of office. Provides for continuation of the suspension without compensation until the conviction is final and appellate review of the original proceedings are exhausted. Provides that during the suspension the official is not to perform any official act, duty, or function nor receive any compensation, pay, allowance, emolument or privilege of the office.

Present law provides that if the conviction is reversed on appeal, the public official is entitled to and shall receive full back pay with legal interest from the date of suspension, compensation, and all rights, duties, powers, allowances, emoluments, and privileges of office to which he would have been entitled had he not been suspended.

Proposed law retains present law but provides the same provisions relative to suspension and compensation apply if the public officer is guilty of malfeasance or gross misconduct while in office.

Present law provides that during the period of suspension, another person shall be appointed to perform the official acts, duties, and functions of that office during the period of suspension. Provides that the person appointed to perform these official acts, duties, and functions shall serve in his appointed capacity until the conviction of the public official is reversed on appeal or until expiration of the term of office of the suspended public official, whichever occurs first. Provides that every person appointed receive the same pay, compensation, allowances, emoluments, and privileges of the office to which he is appointed as the suspended public official received prior to his suspension.

Proposed law retains present law but provides for appointment of persons to perform the official acts, duties, and functions during the period of suspension due to a determination of malfeasance or gross misconduct of the official while in office. Retains provisions for restoration if the determination is overturned or reversed.

Proposed law provides for removal of a public official of conviction for malfeasance or gross negligence while in office. Provides for removal from office by judgment in the district court in the

parish of the official's domicile, the parish where the conduct occurred, or in the Nineteenth Judicial District.

Proposed law provides that a suit to remove a public official or district attorney pursuant to this Section may be brought by the attorney general or by the legislature pursuant to the provisions of Subsection E of this Section. Authorizes the suit to remove a public official be brought by the attorney general or by the legislature pursuant to proposed law.

Proposed law requires that any action to remove a public official be civil in nature, with venue in the parish of the official's domicile, the parish where the conduct occurred, or in the Nineteenth Judicial District.

Proposed law authorizes the attorney general or the legislature to prosecute an action to remove a public official upon an affirmative vote of 2/3 of the elected members of the Senate or 2/3 of the elected members of the House of Representatives and that this vote may be procured by written ballot of the legislature.

Proposed law provides that if the legislature initiates an action for removal, the action shall be prosecuted by the president of the Senate, or a member designated by the president, or the speaker of the House of Representatives, or a member designated by the speaker. Provides that the speaker and president may jointly appoint a special prosecutor as an alternative to enforce proposed law when authorized by an affirmative vote of 2/3 of the elected members of each house of the legislature, and that this vote may be procured by written ballot.

Proposed law requires the Supreme Court to appoint an ad hoc judge approved by a majority of the court to preside over any action initiated proposed law.

Effective August 1, 2026.

(Amends R.S. 42:1411(A), (B), (C), and 1412(A); adds R.S. 42:1412(E))