

2026 Regular Session

SENATE BILL NO. 425

BY SENATOR MORRIS

PUBLIC EMPLOYEES. Provides for removal by suit of certain elected officials. (8/1/26)

1 AN ACT

2 To amend and reenact R.S. 42:1411(A), (B), (C), and 1412(A) and to enact R.S. 42:1412(E),  
3 relative to removal of certain public officials; to provide for grounds for removal; to  
4 provide for procedure to remove an official by suit; and to provide for related  
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 42:1411(A), (B), (C), and 1412(A) are hereby amended and reenacted  
8 and R.S. 42:1412(E) is hereby enacted to read as follows:

9 §1411. Public officer; ground for removal; suspension; definitions

10 A. A public officer **except for those officers exempt from removal by suit**  
11 **as provided in Article X, Section 25 of the Constitution of Louisiana** shall be  
12 removed from office for conviction, during his term of office, of a felony **or for**  
13 **malfeasance or gross misconduct while in office as provided in R.S. 42:1412.**

14 B.**(1)** The conviction for a felony of a public officer shall automatically  
15 suspend that individual from his public office without compensation. The suspension  
16 from public office without compensation shall continue until the conviction is final  
17 and all appellate review of the original trial court proceedings is exhausted. During

1 the period of suspension, the public official shall not perform any official act, duty,  
 2 or function nor shall he receive any compensation, pay, allowance, emolument, or  
 3 privilege of his office. If the conviction is reversed on appeal, the public official shall  
 4 be entitled to and shall receive full back pay with legal interest thereon from the date  
 5 of suspension, compensation, and all rights, duties, powers, allowances, emoluments,  
 6 and privileges of office to which he would have been entitled had he not been  
 7 suspended.

8 **(2) Upon a determination that a public officer who may be removed**  
 9 **pursuant to this Section is guilty of malfeasance or gross misconduct while in**  
 10 **office, the individual shall be automatically suspended from public office**  
 11 **without compensation. This suspension shall continue until overturned or**  
 12 **reversed by an appellate court. If the determination of malfeasance or gross**  
 13 **misconduct while in office is overturned or reversed, the public official shall be**  
 14 **entitled to and shall receive full back pay with legal interest from the date of**  
 15 **suspension and all rights, duties, powers, allowances, emoluments, and**  
 16 **privileges of office which he would have been entitled to had he not been**  
 17 **suspended.**

18 C. During this period of suspension, another person shall be appointed to  
 19 perform the official acts, duties, and functions of that office during the period of  
 20 suspension. Any person appointed to perform these official acts, duties, and  
 21 functions shall serve in his appointed capacity until the **determination of**  
 22 **malfeasance or gross misconduct or the** conviction of the public official is  
 23 **overturned or** reversed on appeal or until expiration of the term of office of the  
 24 suspended public official, whichever occurs first. Every person appointed under the  
 25 provisions of this Section shall receive the same pay, compensation, allowances,  
 26 emoluments, and privileges of the office to which he is appointed as the suspended  
 27 public official received prior to his suspension.

28 \* \* \*

29 §1412. Method for removal

1           A.(1) For conviction of a felony any public officer shall be removed by  
2 judgment of the district court of the district in which he is domiciled. The district  
3 attorney of that judicial district shall institute the suit within ten days after the  
4 conviction is final and all appellate review of the original trial court proceedings is  
5 exhausted. Suits against the attorney general shall be brought in the Nineteenth  
6 Judicial District by the district attorney of that district, and suits against a district  
7 attorney shall be brought by the attorney general.

8           (2) For conviction for malfeasance or gross misconduct while in office a  
9 public official shall be removed by judgment of the district court in the parish  
10 of the official's domicile, the parish where the conduct occurred. A suit to  
11 remove a public official pursuant to this Section may be brought by the attorney  
12 general or by the legislature pursuant to the provisions of Subsection E of this  
13 Section.

14                           \*       \*       \*

15           E.(1) A public official shall also be removed from office by judgment of  
16 the district court of the district in which he is domiciled, the parish where the  
17 conduct occurred for commission of a felony or for malfeasance, or gross  
18 misconduct during his term of office.

19           (2) Any action pursuant to this Subsection shall be civil in nature, subject  
20 to the provisions of Subsection C of this Section, with venue in the parish of the  
21 official's domicile, the parish where the conduct occurred. The attorney general  
22 or the legislature may prosecute an action under this Subsection upon an  
23 affirmative vote of two-thirds of the elected members of the Senate or two-  
24 thirds of the elected members of the House of Representatives, which vote may  
25 be procured by written ballot of the legislature. No civil suit to remove a public  
26 official under the provisions of this Section shall be instituted by the attorney  
27 general unless the House of Representatives or the Senate, by a two-thirds vote  
28 of its elected members, affirmatively authorizes the attorney general to institute  
29 a specific suit under the provisions of this Section to remove the public official.

1           **If the legislature initiates an action under this Subsection, the action shall be**  
 2           **prosecuted by the president of the Senate, or a member designated by the**  
 3           **president, or the speaker of the House of Representatives, or a member**  
 4           **designated by the speaker. The speaker of the House of Representatives and**  
 5           **president of the Senate may jointly appoint a special prosecutor as an**  
 6           **alternative to enforce the provisions of this Subsection when authorized by an**  
 7           **affirmative vote of two-thirds of the elected members of each house of the**  
 8           **legislature, which vote may be procured by written ballot. The Supreme Court**  
 9           **shall appoint an ad hoc judge approved by a majority of the court to preside**  
 10          **over any action initiated under the provisions of this Subsection.**

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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 Engrossed

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 misconduct 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.

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.

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 clarifies that a suit to remove a public official may only be filed by the attorney general when either the House of Representatives or the Senate has by an affirmative two-thirds vote authorized the attorney general to file a suit to remove the public official.

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))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Replaces "negligence" with "misconduct".
2. Removes 19th Judicial District Court as a venue from the bill.
3. Clarifies that a suit to remove a public official by the attorney general is only allowed after an affirmative two-thirds vote by the House or Senate for that purpose.