

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. 42:1411(G)
3 and 1412(E) and (F), relative to removal of certain public officials; to provide for
4 grounds for removal; to provide for procedure to remove an official by suit; and to
5 provide for related 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. 1411(G) and 1412(E) and (F) are 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. The **commission of or** conviction for a felony, **malfeasance, or gross**
15 **misconduct** of a public officer **while in office** shall automatically suspend that
16 individual from his public office without compensation. The suspension from public
17 office without compensation shall continue until the conviction is final and all

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

9 C. During this period of suspension, another person shall be appointed to
10 perform the official acts, duties, and functions of that office during the period of
11 suspension. Any person appointed to perform these official acts, duties, and
12 functions shall serve in his appointed capacity until the determination of
13 malfeasance or gross misconduct or the conviction of the public official is
14 overturned or reversed on appeal or until expiration of the term of office of the
15 suspended public official, whichever occurs first. Every person appointed under the
16 provisions of this Section shall receive the same pay, compensation, allowances,
17 emoluments, and privileges of the office to which he is appointed as the suspended
18 public official received prior to his suspension.

19 * * *

20 G. For purposes of this Chapter, the following terms shall apply:

21 (1) the term "felony" "Felony" includes both a felony under the laws of this
22 state and a felony under the laws of the United States.

23 (2) For purposes of this Chapter, the term "public "Public officer" means any
24 person holding a public office, whether state, district, parochial, ward, or municipal,
25 whether the person is elected or appointed except judges of the courts of record.

26 (3) "Malfeasance" shall be as defined in R.S. 14:134(A)

27 (4) "Gross misconduct" means the willful, knowing, or recklessly
28 indifferent act or omission by a public official, committed in office or under
29 color of office, that: (a) constitutes a serious abuse or misuse of official power

1 or authority; (b) materially violates the law, the oath of office, or established
 2 ethical duties; or (c) substantially undermines the integrity, functioning, or
 3 public trust of the office; and that is of such gravity that it renders the official
 4 unfit to continue in office.

5 * * *

6 §1412. Method for removal

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

14 (2) For commission of malfeasance or gross misconduct while in office
 15 a public official shall be removed by judgment of the district court in the parish
 16 of the official's domicile or the parish where the conduct occurred. A suit to
 17 remove a public official pursuant to this Section may be brought by the attorney
 18 general or by the legislature pursuant to the provisions of Subsection E of this
 19 Section.

20 * * *

21 E. (1) A public official shall be removed from office upon a final judicial
 22 determination proven by clear and convincing evidence that the public official
 23 has committed malfeasance or gross misconduct while in office. This proceeding
 24 shall be brought in the parish in which the official is domiciled or the parish
 25 where the conduct of malfeasance or gross misconduct occurred.

26 (2) Any action pursuant to this Subsection shall be civil in nature, subject
 27 to the provisions of Subsection C of this Section, with venue in the parish of the
 28 official's domicile or the parish where the conduct occurred. The attorney
 29 general or the legislature may initiate an action under this Subsection upon an

1 affirmative vote of two-thirds of the elected members of the Senate or two-
 2 thirds of the elected members of the House of Representatives, which vote may
 3 be procured by written ballot of the legislature. No civil suit to remove a public
 4 official under the provisions of this Subsection shall be instituted by the
 5 attorney general unless the House of Representatives or the Senate, by a
 6 two-thirds vote of its elected members, affirmatively authorizes the attorney
 7 general to institute a specific suit under the provisions of this Subsection to
 8 remove the public official.

9 (3) If the legislature initiates an action under this Subsection, the action
 10 shall be prosecuted by the president of the Senate, or a member designated by
 11 the president, or the speaker of the House of Representatives, or a member
 12 designated by the speaker. The speaker of the House of Representatives and
 13 president of the Senate may jointly appoint a special prosecutor as an
 14 alternative to enforce the provisions of this Subsection when authorized by an
 15 affirmative vote of two-thirds of the elected members of each house of the
 16 legislature, which vote may be procured by written ballot. The Supreme Court
 17 shall appoint an ad hoc judge approved by a majority of the court to preside
 18 over any action initiated under the provisions of this Subsection.

19 F. Nothing in Subsection E of this Section shall be construed to limit the
 20 authority of the attorney general to institute a suit to remove a public officer
 21 while in office under the provisions of Subsection A of this Section.

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)]

DIGEST

SB 425 Reengrossed

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 includes public officers determined to have committed malfeasance or gross misconduct while in office to provisions on back pay, compensation and all rights, duties, powers, allowances, emoluments, and privileges of office to which he was entitled had he not been suspended.

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 and applies these provisions to suspended public officers who have committed malfeasance or gross misconduct while in office.

Proposed law defines "malfeasance" and "gross misconduct".

Proposed law provides for removal of a public official upon a final judicial determination proven by clear and convincing evidence that the official has committed malfeasance or gross misconduct while in office. Requires that the proceeding be brought in the parish in which the official is domiciled or the parish where the conduct of malfeasance or gross misconduct occurred.

Proposed law authorizes the attorney general or the legislature to initiate an action to remove a public officer determined to have committed malfeasance or gross misconduct 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, which vote may be by written ballot of the legislature.

Proposed law provides that no suit to remove a public officer shall be instituted by the attorney general unless the House of Representatives or the Senate, by a 2/3 vote of its elected members, affirmatively authorizes the attorney general to institute a specific suit under proposed law to remove the public official.

Proposed law provides that if the legislature initiates an action in accordance with proposed law, the action may be initiated 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. Authorizes the speaker and president to jointly appoint a special prosecutor as an alternative to enforce the removal under proposed law when authorized by an affirmative vote of 2/3 of the elected members of each house of the legislature. Provides that the Supreme Court appoint an ad hoc judge approved by a majority of the court to preside over any removal action initiated pursuant to proposed law.

Proposed law is not to be construed to limit the authority of the attorney general to institute a suit to remove a public officer while in office as provided by law.

Effective August 1, 2026.

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

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.

Senate Floor Amendments to reengrossed bill

1. Adds requirement for a final judicial determination proven by clear and convincing evidence that a public official committed malfeasance or gross negligence.
2. Provides that proposed law is not to be construed to limit the authority of the attorney general to institute a suit to remove a public officer while in office as provided by law.
3. Defines "malfeasance" and "gross misconduct".