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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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SB 425 Reengrossed

DIGEST  
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".