
DIGEST

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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 and further 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 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.

Proposed law retains present law and applies the same to public officers who commit malfeasance or gross misconduct in office.

Present law provides that if a felony 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.

Present law provides for another person to be appointed to perform the official acts, duties, and functions of the public official suspended pursuant to present law.

Proposed law retains present law and applies the same public officers suspended for committing malfeasance or gross misconduct while in office.

Present law (R.S. 14:134) provides that the crime of malfeasance in office is committed when any public officer or public employee does any of the following:

- (1) Intentionally refuses or fails to perform any duty lawfully required of him, as such officer or employee.
- (2) Intentionally performs any such duty in an unlawful manner.
- (3) Knowingly permits any other public officer or public employee, under his authority, to intentionally refuse or fail to perform any duty lawfully required of him, or to perform any such duty in an unlawful manner.
- (4) Willfully and knowingly subjects any person to the deprivation of any right, privilege, or immunity secured or protected by the U.S. Constitution and laws, if serious bodily injury or death results.
- (5) Knowingly releases a person, following arrest or booking, from state, parish, or local law enforcement custody without providing advance notice to U.S. Immigration and Customs Enforcement that the law enforcement agency effecting release is aware that the person either illegally entered or unlawfully remained in the U.S.
- (6) Takes any official action, fails to perform an official duty, or refuses a lawful request for cooperation submitted by either U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or U.S. Citizenship and Immigration Services with the intent to hinder, delay, prevent, or otherwise interfere, ignore, or thwart federal immigration enforcement efforts.

Proposed law retains present law and provides that conduct described in present law is "malfeasance" for the purpose of proposed law.

Proposed law defines "gross misconduct" as the willful, knowing, or recklessly indifferent act or omission by a public official, committed in office or under color of office, that: (1) constitutes a serious abuse or misuse of official power or authority; (2) materially violates the law, the oath of office, or established ethical duties; or (3) substantially undermines the integrity, functioning, or public trust of the office; and that is of such gravity that it renders the official unfit to continue in office.

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 provides that the attorney general may initiate an action for removal of a public official only upon an affirmative vote of 2/3 of the elected members of either house of the legislature authorizing the attorney general to file the action against a public official, which vote may be procured by written ballot.

Proposed law provides that either house of the legislature may initiate an action for removal of a public official only upon a 2/3 vote of the elected members of that house, which vote may be procured by written ballot. Provides that the action shall be brought in the name of the presiding officer of the house voting to initiate the action.

Proposed law provides that the supreme court shall appoint an ad hoc judge approved by a majority of the court to preside over any 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 present 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".

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the reengrossed bill:

1. Provide for the legislature to initiate, rather than prosecute, the action to remove a public official.
2. Provide that an action initiated by either house of the legislature shall be brought in the name of the presiding officer of the house voting to initiate the action.
3. Make technical changes