

Regular Session, 2014

HOUSE BILL NO. 1006

BY REPRESENTATIVE NANCY LANDRY

PUBLIC OFFLS/EMPS: Provides relative to removal of public officers by suit

1 AN ACT

2 To amend and reenact R.S. 42:1411(A) and 1412(A), relative to removal by suit of public
3 officers; to provide for the causes for such removal; to provide for the method for
4 such removal; to provide procedures for suits for removal; to provide relative to
5 hearings, judgment, and appeal relative to such suits; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 42:1411(A) and 1412(A) are hereby amended and reenacted to read
9 as follows:

10 §1411. Public officer; ~~ground~~ grounds for removal; suspension; definitions

11 A. A public officer shall be removed from office for commission or
12 conviction, during his term of office, of a felony or for malfeasance or gross
13 misconduct while in such office.

14 * * *

15 §1412. Method for removal

16 A.(1) For conviction of a felony any public officer shall be removed by
17 judgment of the district court of the district in which he is domiciled. The district
18 attorney of that judicial district shall institute the suit within ten days after the
19 conviction is final and all appellate review of the original trial court proceedings is
20 exhausted. Suits against the attorney general shall be brought in the Nineteenth

1 Judicial District by the district attorney of that district, and suits against a district
2 attorney shall be brought by the attorney general.

3 (2) For a cause provided for in R.S. 42:1411(A) other than conviction of a
4 felony, a public officer shall be removed by judgment of the district court of the
5 district in which the public officer is domiciled. Any citizen of the state of Louisiana
6 may institute the suit.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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)]

Nancy Landry

HB No. 1006

Abstract: Expands the causes for removal by suit of a public officer to include commission of a felony during the term of office or malfeasance or gross misconduct while in office.

Present constitution (Art. X, Secs. 24 and 25) requires the legislature to provide by general law for the removal by suit of any state, district, parochial, ward, or municipal official except the governor, lieutenant governor, and judges for commission or conviction during his term of office of a felony or for malfeasance or gross misconduct while in such office.

Present law (R.S. 42:1411) provides that a public officer shall be removed from office for conviction during his term of office of a felony.

Proposed law retains present law and additionally provides that a public officer shall be removed from office for the additional causes provided for in present constitution: commission, during his term of office, of a felony or malfeasance or gross misconduct while in office.

Present law (R.S. 42:1412) provides for the method of removal of a public officer for conviction of a felony. Provides for a suit to be brought by the district attorney or the attorney general in certain situations. Provides procedures and deadlines for filing suit, hearings, judgment, and appeal.

Proposed law retains present law. Additionally provides that for a cause enumerated in proposed law, a public officer shall be removed by judgment of the district court of the district in which the public officer is domiciled. Provides that any citizen of the state of La. may institute the suit. Applies present law procedures and deadlines to suits pursuant to proposed law.

(Amends R.S. 42:1411(A) and 1412(A))