

2025 Regular Session

HOUSE BILL NO. 160

BY REPRESENTATIVE DICKERSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ETHICS: Provides relative to ethics complaints

1 AN ACT

2 To amend and reenact R.S. 42:1141(B)(1) and to enact R.S. 42:1141(D) and 1153(C),  
3 relative to enforcement of laws within the jurisdiction of the Board of Ethics; to  
4 provide relative to ethics complaints; to provide for the investigative powers of the  
5 Board of Ethics; to provide for the procedure for making complaints; to provide for  
6 a prohibition against retaliation; to provide for penalties for making a false complaint  
7 and retaliating; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 42:1141(B)(1) is hereby amended and reenacted and R.S. 42:1141(D)  
10 and 1153(C) are hereby enacted to read as follows:

11 §1141. Complaints and investigations

12 \* \* \*

13 B.(1)(a) The Board of Ethics shall consider any signed sworn complaint  
14 from any elector, hereinafter referred to as complainant, concerning a violation of  
15 this Chapter which is within its jurisdiction or the regulations or orders issued by the  
16 Board of Ethics, or may, by a two-thirds majority vote of its membership, consider  
17 any non-sworn complaint from a complainant concerning a matter which it has  
18 reason to believe may be a violation of this Chapter. Additionally, the board may  
19 consider any matter ~~which it has reason to believe may be a violation of any other~~  
20 ~~provision of law within its jurisdiction as provided in this Subsection or as may be~~  
21 otherwise provided by law. A certified copy of the vote; a detailed explanation of

1 the matter, including the specific factual allegations upon which the board based its  
 2 decision to investigate; and a copy of any complaint received by the board, ~~from~~  
 3 ~~which the name of the complainant has been redacted~~, shall be sent by certified mail  
 4 to the accused and the complainant within ten days after the vote occurs or after  
 5 receipt of a signed sworn complaint. The chairman of the Board of Ethics may  
 6 assign a matter to the appropriate panel for investigation, in which case the panel  
 7 shall conduct a private investigation to elicit evidence upon which the panel shall  
 8 determine whether to recommend to the board that a public hearing be conducted or  
 9 that a violation has not occurred.

10 (b)(i) A non-sworn complaint shall be made in writing and shall contain the  
 11 full name of the complainant. The complainant shall file a non-sworn complaint in  
 12 person with the Board of Ethics at the offices of the board. When filing a non-sworn  
 13 complaint, the complainant shall present a valid driver's license, passport, or other  
 14 government-issued identification.

15 (ii) A sworn complaint shall be made in writing, be notarized, and shall  
 16 contain the full name of the complainant, the signature of the complainant, and an  
 17 oath attesting to the truthfulness of the statements contained in the complaint. A  
 18 sworn complaint shall be filed by mail, fax, or uploading the complaint to the  
 19 website of the Board of Ethics, or by filing in person with the Board of Ethics at the  
 20 offices of the board.

21 (c) The board shall provide a person who has filed a non-sworn complaint  
 22 with only a notification stating the final disposition of the complaint.

23 \* \* \*

24 D.(1)(a) No person shall threaten, intimidate, or coerce another person to  
 25 prevent or discourage the filing of a sworn or non-sworn complaint pursuant to this  
 26 Section.

27 (b) No person who is the subject of a sworn or non-sworn complaint shall  
 28 take retaliatory action against the complainant.

29 (2) Any complainant against whom retaliatory action is taken by a person in  
 30 violation of this Subsection may commence a civil action in the district court of the

1 complainant's parish of domicile against the person. If the court finds the defendant  
2 violated the provisions of this Subsection, the plaintiff may recover from the  
3 defendant damages, reasonable attorney fees, and court costs.

4 (3) For the purpose of this Section, "retaliatory action" means the use of  
5 force, violence, extortionate threats, true threats, or harassment upon a complainant  
6 who has filed a sworn or non-sworn complaint.

7 \* \* \*

8 §1153. Penalties

9 \* \* \*

10 C. Upon a determination that a person has knowingly and willfully made a  
11 false complaint, pursuant to R.S. 42:1141(B), the Ethics Adjudicatory Board shall  
12 assess attorney fees against the person.

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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)]

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HB 160 Engrossed

2025 Regular Session

Dickerson

**Abstract:** Provides relative to ethics complaints, investigative powers of the Board of Ethics, and penalties for making a false ethics complaint.

Present law (R.S. 42:1141(B)) provides that the Board of Ethics (Board) shall consider any sworn complaint concerning a violation of present law (Code of Governmental Ethics). Proposed law retains present law.

Present law provides that after a two-thirds majority vote of its membership, the Board may consider any matter which it believes to be a violation of the Code of Governmental Ethics. Proposed law specifies that the matter must be in a non-sworn complaint for the board to vote to consider it.

Present law provides that the Board may consider any matter that it reasonably believes is a violation of any other provision of law within its jurisdiction as provided in present law or as otherwise provided by law.

Proposed law provides instead that the Board may consider any matter as may be otherwise provided by law.

Present law requires the Board to send by certified mail a copy of the complaint, the vote, and the factual allegations upon which the Board based its decision to investigate to both the accused and the complainant. Provides that the name of the complainant be redacted.

Proposed law provides instead that the name of the complainant not be redacted when the copy of the complaint is sent to the accused. Otherwise retains present law.

Present law provides that the Board may use panels to conduct investigations and hearings concerning alleged violations of laws within its jurisdiction. Proposed law retains present law.

Present law provides that the Board provide only a notification stating the final disposition of the complaint to the complainant who has filed a non-sworn complaint. Proposed law retains present law.

Proposed law provides that a complaint shall be made in writing and contain the full name of the complainant. Requires the complainant to file a non-sworn complaint in person with the Board at the offices of the Board. Requires the complainant filing a non-sworn complaint to provide a valid driver's license, passport, or other government-issued identification. Further requires a sworn complaint to be filed by mail, fax, or uploading the complaint to the website of the Board, or by filing in person with the Board.

Proposed law requires a sworn complaint to be notarized and contain the full name and signature of the complainant and an oath attesting to the truthfulness of the complaint.

Proposed law prohibits retaliatory action against a complainant. Provides for the definition of "retaliatory action". Provides that any complainant against whom retaliatory action is taken by a person in violation of proposed law, may commence a civil action in the district court of the complainant's parish of domicile against the person.

Present law (R.S. 42:1153) provides penalties for violations of any provision of law that is within the jurisdiction of the Board.

Proposed law retains present law and additionally provides that upon a determination that a person has knowingly and willfully made a false complaint pursuant to present law and proposed law, the Ethics Adjudicatory Board shall assess attorney fees against the person.

(Amends R.S. 42:1141(B)(1); Adds R.S. 42:1141(D) and 1153(C))

#### Summary of Amendments Adopted by House

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

1. Make technical changes.
2. Provide that a non-sworn complaint shall be filed in person with the Board of Ethics at the offices of the board. Further provides that a sworn complaint shall be filed by mail, fax, or uploading the complaint to the website of the Board of Ethics, or by filing in person with the board at the offices of the board.
3. Add requirements for sworn complaints.
4. Add a provision that prohibits retaliation against a complainant and provides for filing a civil action.
5. Restructure the penalty provision in proposed law.