

## RÉSUMÉ DIGEST

ACT 510 (SB 425)

2026 Regular Session

Morris

Existing law provides for removal of a public officer from office for conviction of a felony during his term of office.

New law authorizes removal of a public official for malfeasance or gross misconduct while in office.

Existing law provides for automatic suspension from office without compensation of a public officer for conviction for a felony during his term of office and prohibits the officer from performing any official act, duty, or function nor receive any compensation, pay, allowance, emolument or privilege of the office during the period of suspension.

New law applies the same suspension provisions regarding to public officers for conviction of malfeasance or gross misconduct in office.

New law retains provisions that if the felony conviction is reversed on appeal, the public is entitled to 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.

New law retains provisions authorizing appointment of another person to perform the official acts, duties, and functions of the official suspended.

New law provides that the following items in existing law (R.S. 14:134) for the crime of malfeasance is the same for purposes of new law:

- (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.

New 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.

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

New law authorizes the attorney general to initiate an action for removal of the 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 and provides for vote by written ballot.

New law authorizes either house of the legislature to initiate actions for removal of a official upon a 2/3 vote of the elected members of that house which vote may be by written ballot. Requires that this action be brought in the name of the presiding officer of the house voting to initiate the action.

New law requires the supreme court to appoint an ad hoc judge approved by a majority of the court to preside over any action initiated pursuant to new law.

New 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 existing law.

Effective August 1, 2026.

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