

2018 Regular Session

HOUSE BILL NO. 708

BY REPRESENTATIVE CREWS

CRIME: Provides for an exception to the crime of political payroll padding by a sheriff

1 AN ACT

2 To amend and reenact R.S. 14:139.1(A), (B), and (C), relative to payroll padding; to provide
3 relative to the exceptions to the crime of payroll padding; to provide an additional
4 exception for an increase in expenses necessitated by the completion of a new or
5 expansion of a facility that provides support services to the office of the sheriff; and
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:139.1(A), (B), and (C) are hereby amended and reenacted to read
9 as follows:

10 §139.1. Political payroll padding by sheriff; sale of assets of sheriff's office
11 prohibited

12 A. During the six months preceding a gubernatorial election and during the
13 time interval between the gubernatorial election and the first day of July following
14 election, it shall be unlawful for any sheriff to do any of the following:

15 (1) Increase the number of deputies or employees in his office by more than
16 five percent over the average number of such employees for each of the first six
17 months of the twelve months preceding ~~said~~ the election; ~~or~~.

18 (2) Increase the payroll or other operating expenses of his office more than
19 fifteen percent over its average amount of such expenditures for each of the months
20 of the first six months of the twelve months preceding ~~said~~ the election; ~~or~~.

1 (3) Transfer title and ownership of the capital assets of his office of a value
 2 in excess of ten percent of the total value of ~~said~~ assets as reflected in the current
 3 inventory filed in the office of the sheriff on date of the first primary election under
 4 the provisions of ~~Section 513 of Title 24~~ R.S. 24:513.

5 B. In determining whether any surplus or deficit exists in the office of any
 6 sheriff at the expiration of a term of office, the current market value of the capital
 7 assets of the office as set forth in the inventory filed in accordance with ~~Section 513~~
 8 ~~of Title 24~~ R.S. 24:513 shall be included in the total assets of the sheriff's office.

9 C. The provisions of this Section shall not apply when the increases or
 10 decreases are necessitated by flood, invasion by common enemy, or other public
 11 emergency. In addition, the provisions of this Section shall not apply to any increase
 12 based upon the utilization of additional revenue from a tax district election or to an
 13 increase necessitated by the completion of a new or expansion of an existing prison
 14 facility or a facility that provides support services to the office of the sheriff
 15 including but not limited to an emergency communications call or dispatch center.

16 * * *

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)]

HB 708 Original 2018 Regular Session Crews

Abstract: Provides an exception to the crime of payroll padding by a sheriff for an increase in expenses necessitated by the completion of a new or expansion of a facility that provides support services to the office of the sheriff.

Present law provides that during the six months preceding a gubernatorial election and during the time interval between the gubernatorial election and the first day of July following election, it shall be unlawful for any sheriff to engage in any of the following:

- (1) Increase the number of deputies or employees in his office by more than five percent over the average number of such employees for each of the first six months of the 12 months preceding the election.
- (2) Increase the payroll or other operating expenses of his office more than 15% over its average amount of such expenditures for each of the months of the first six months of the 12 months preceding the election.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

- (3) Transfer title and ownership of the capital assets of his office of a value in excess of 10% of the total value of assets as reflected in the current inventory filed in the office of the sheriff on date of the first primary election.

Present law provides that these provisions shall not apply when the increases or decreases are necessitated by flood, invasion by common enemy, or other public emergency; nor to any increase based upon the utilization of additional revenue from a tax district election or to an increase necessitated by the completion of a new or expansion of an existing prison facility.

Proposed law extends this exception to apply to an increase necessitated by the completion of a new or expansion of a facility that provides support services to the office of the sheriff including but not limited to an emergency communications call or dispatch center.

(Amends R.S. 14:139.1(A), (B), and (C))