

2020 Regular Session

HOUSE BILL NO. 65

BY REPRESENTATIVE DWIGHT

CRIME: Provides relative to exceptions to the crime of political payroll padding by a sheriff

1 AN ACT

2 To amend and reenact R.S. 14:139.1(C), relative to the crime of political payroll padding;  
3 to provide relative to the exceptions to the crime of political payroll padding by a  
4 sheriff; to provide for additional exceptions when no opponent qualifies to run  
5 against an incumbent sheriff or when an incumbent sheriff's reelection has been  
6 officially declared; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:139.1(C) is hereby amended and reenacted to read as follows:

9 §139.1. Political payroll padding by sheriff; sale of assets of sheriff's office  
10 prohibited

11 \* \* \*

12 C.(1) The provisions of this Section shall not apply when the increases or  
13 decreases are necessitated by flood, invasion by common enemy, or other public  
14 emergency. In addition, the provisions of this Section shall not apply to any increase  
15 based upon the utilization of additional revenue from a tax district election or to an  
16 increase necessitated by the completion of a new or expansion of an existing prison  
17 facility or an emergency communications call or dispatch center.

18 (2)(a) The provisions of this Section shall not apply to an incumbent sheriff,  
19 against whom no person has qualified to run, for any transfers or increases that occur

1 after the date the qualifying period closes for the gubernatorial election through the  
2 first day of July following the election.

3 (b) The provisions of this Section shall not apply to an incumbent sheriff,  
4 who is reelected to office, for any transfers or increases that occur after the date the  
5 official election results are declared by the election official through the first day of  
6 July following the election.

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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 65 Engrossed

2020 Regular Session

Dwight

**Abstract:** Provides exceptions to the crime of payroll padding by a sheriff when no opponent qualifies to run against an incumbent sheriff or when an incumbent sheriff's reelection has been officially declared by an election official.

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) Increasing 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) Increasing 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.
- (3) Transferring 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 the date of the primary election.

Proposed law retains present law.

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 or an emergency communications call or dispatch center.

Proposed law extends the present law exceptions to apply to the following:

- (1) An incumbent sheriff, against whom no person has qualified to run, for any transfers or increases that occur after the date the qualifying period closes for the gubernatorial election through the first day of July following the election.

- (2) An incumbent sheriff, who is reelected to office, for any transfers or increases that occur after the date the official election results are declared by the election official through the first day of July following the election.

(Amends R.S. 14:139.1(C))