

2022 Regular Session

SENATE BILL NO. 263

BY SENATOR MORRIS

ATTORNEY GENERAL. Constitutional amendment to remove the requirement that the court of original jurisdiction to authorize the attorney general to institute prosecution and provides that authority to the legislature. (2/3 - CA13s1(A))

1 A JOINT RESOLUTION

2 Proposing to amend Art. IV, Section 8 of the Constitution of Louisiana, relative to the
3 powers and duties of the attorney general; to remove the requirement that the court
4 of original jurisdiction to authorize the attorney general to institute prosecution for
5 cause; to provide that the legislature may define "cause" that would allow the
6 attorney general to institute a prosecution; to specify an election for submission of
7 the proposition to electors and provide a ballot proposition.

8 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
9 elected to each house concurring, that there shall be submitted to the electors of the state, for
10 their approval or rejection in the manner provided by law, a proposal to amend Art. IV,
11 Section 8, of the Constitution of Louisiana, to read as follows:

12 §8. Attorney General; Powers and Duties

13 Section 8.

14 There shall be a Department of Justice, headed by the attorney general, who
15 shall be the chief legal officer of the state. The attorney general shall be elected for
16 a term of four years at the state general election. The assistant attorneys general shall
17 be appointed by the attorney general to serve at his pleasure.

1 As necessary for the assertion or protection of any right or interest of the
2 state, the attorney general shall have authority (1) to institute, prosecute, or intervene
3 in any civil action or proceeding; (2) upon the written request of a district attorney,
4 to advise and assist in the prosecution of any criminal case; and (3) for cause, ~~when~~
5 ~~authorized by the court which would have original jurisdiction~~ **as established by the**
6 **legislature**, and subject to judicial review, (a) to institute, prosecute, or intervene in
7 any criminal action or proceeding, or (b) to supersede any attorney representing the
8 state in any civil or criminal action.

9 The attorney general shall exercise other powers and perform other duties
10 authorized by this constitution or by law.

11 Section 2. Be it further resolved that this proposed amendment shall be submitted to
12 the electors of the state of Louisiana at the statewide election to be held on November 8,
13 2022.

14 Section 3. Be it further resolved that on the official ballot to be used at said election
15 there shall be printed a proposition, upon which the electors of the state shall be permitted
16 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
17 follows:

18 Do you support an amendment to eliminate the requirement that the court of
19 original jurisdiction find sufficient cause for the attorney general to institute
20 a criminal prosecution and to allow the legislature to define "cause" for the
21 attorney general to institute a criminal prosecution?

22 (Amends Art. IV, Sec. 8)

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Whitney Kauffeld.

DIGEST

SB 263 Original 2022 Regular Session Morris

Present constitution provides for the attorney general to institute criminal prosecution at the request of the district attorney or for cause, when authorized by the court of original jurisdiction and subject to judicial review.

Proposed constitutional amendment eliminates the requirement that the court of original jurisdiction authorize the attorney general to institute criminal prosecution and provides that the legislature may define "cause" for the attorney general to institute a prosecution.

Proposed constitutional amendment otherwise retains present constitution.

Specifies submission of the amendment to the voters at the statewide election to be held on November 8, 2022.

(Amends Const. Art. IV, Sec. 8)