

2022 Regular Session

HOUSE BILL NO. 533

BY REPRESENTATIVE CORMIER

ATTORNEY GENERAL: Provides relative to cases handled by the attorney general

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 680 and 682, relative to recusal
3 of district attorneys; to provide for an additional ground for recusal; to provide for
4 a request for recusal; to provide for a definition; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Articles 680 and 682 are hereby amended
7 and reenacted to read as follows:

8 Art. 680. Grounds for recusation of district attorney

9 A district attorney shall be recused when he:

10 * * *

11 (4) Is arrested for any criminal offense as provided in Title 14 of the
12 Louisiana Revised Statutes of 1950.

13 * * *

14 Art. 682. Appointment of substitute for a recused district attorney

15 A. When a district attorney is recused, or recuses himself, the trial judge
16 shall either appoint an attorney at law, who has the qualifications of a district
17 attorney and is not an assistant to the recused district attorney, to act in the place of
18 the district attorney in the case, or shall notify the attorney general in writing of the
19 recusation. In the latter instance, it shall be the duty of the attorney general to
20 appoint a member of his staff or a district attorney of another district to act in the

1 place of the recused district attorney. The substitute appointed for the recused
2 district attorney shall have all powers of the recused district attorney with reference
3 to the case.

4 B. Upon a request made to the office of the attorney general by an immediate
5 family member, an assistant attorney general shall be the only substitute for a
6 recused district attorney in either of the following cases:

7 (a) Unnatural death of an immediate family member.

8 (b) Death of an immediate family member due to suspected suicide or
9 homicide.

10 C. For the purpose of this Article, "immediate family member" means the
11 spouse, mother, father, aunt, uncle, sibling, or child of the victim, whether related by
12 blood, marriage, or adoption.

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 533 Original

2022 Regular Session

Cornier

Abstract: Provides relative to recusal of a district attorney.

Present law provides that a district attorney shall be recused when he:

- (1) Has a personal interest in the cause or grand jury proceeding which is in conflict with fair and impartial administration of justice;
- (2) Is related to the party accused or to the party injured, or to the spouse of the accused or party injured, or to a party who is a focus of a grand jury investigation, to such an extent that it may appreciably influence him in the performance of the duties of his office; or
- (3) Has been employed or consulted in the case as attorney for the defendant before his election or appointment as district attorney.

Proposed law retains present law and adds that a district attorney shall be recused when he is arrested for any criminal offense as provided for in present law.

Present law provides that when a district attorney is recused, or recuses himself, the trial judge shall either appoint an attorney at law, who has the qualifications of a district attorney and is not an assistant to the recused district attorney, to act in the place of the district attorney in the case, or shall notify the attorney general in writing of the recusation.

Present law provides that in an instance where the attorney general has been notified, it shall be the duty of the attorney general to appoint a member of his staff or a district attorney of

another district to act in the place of the recused district attorney. Provides that the substitute appointed for the recused district attorney shall have all powers of the recused district attorney with reference to the case.

Proposed law provides that upon a request made to the office of the attorney general by an immediate family member, an assistant attorney general shall be the only substitute for a recused district attorney in either of the following cases:

- (1) Unnatural death of an immediate family member.
- (2) Death of an immediate family member due to suspected suicide or homicide.

Proposed law defines "immediate family member".

(Amends C.Cr.P. Arts. 680 and 682)