

2024 Regular Session

SENATE BILL NO. 122

BY SENATOR MORRIS

ATTORNEY GENERAL. Constitutional amendment to provide for powers and duties of the attorney general. (2/3 - CA12s1(A))

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A JOINT RESOLUTION

Proposing to amend Article IV, Section 8 of the Constitution of Louisiana, relative to the powers and duties of the attorney general; to authorize the institution of certain actions for cause by law enacted by two-thirds of vote of each house of the legislature; to specify an election for submission of the proposition to electors; and to provide a ballot proposition.

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

§8. Attorney General; Powers and Duties

Section 8.(A) There shall be a Department of Justice, headed by the attorney general, who shall be the chief legal officer of the state. The attorney general shall be elected for a term of four years at the state general election. The assistant attorneys general shall be appointed by the attorney general to serve at his pleasure.

(B) As necessary for the assertion or protection of any right or interest of the state, the attorney general shall have authority (1) to institute, prosecute, or intervene

1 in any civil action or proceeding; (2) upon the written request of a district attorney,
 2 to advise and assist in the prosecution of any criminal case; and (3) for cause, when
 3 authorized by **law enacted by a two-thirds vote of each house of the legislature**
 4 **or by** the court which would have original jurisdiction and subject to judicial review,
 5 (a) to institute, prosecute, or intervene in any criminal action or proceeding, or (b)
 6 to supersede any attorney representing the state in any civil or criminal action.

7 **(C)** The attorney general shall exercise other powers and perform other duties
 8 authorized by this constitution or by law.

9 Section 2. Be it further resolved that this proposed amendment shall be submitted to
 10 the electors of the state of Louisiana at the statewide election to be held on November 5,
 11 2024.

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

16 Do you support an amendment to authorize the legislature by 2/3 vote to
 17 provide additional authority to the attorney general to institute certain civil
 18 and criminal actions for cause?

19 (Amends Article IV, Section 8)

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Thomas L. Tyler.

DIGEST

SB 122 Original 2024 Regular Session Morris

Present constitution provides for a department of justice headed by the attorney general who
 will be the chief legal officer of the state.

Present constitution provides that the attorney general has authority to do the following:

- (1) Institute, prosecute, or intervene in any civil action or proceeding.
- (2) Upon written request of a district attorney, to advise and assist in the prosecution of
 any criminal case.
- (3) For cause, when authorized by a court which would have original jurisdiction and
 subject to judicial review, do any one of the following:

- (a) Institute, prosecute, or intervene in any criminal action or proceeding.
- (b) To supersede any attorney representing the state in any civil or criminal action.

Proposed constitutional amendment retains present constitution and further authorizes the attorney general by law enacted by 2/3 vote of the legislature to institute certain civil and criminal actions for cause.

Specifies submission of the amendment to the voters at the statewide election to be held on November 5, 2024.

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