

## RÉSUMÉ DIGEST

**ACT 12 (HB 23)**

**2024 Second Extraordinary Session**

**Melerine**

New law (C.C.P. Art. 855.1) requires civil pleadings alleging that a statute or law is unconstitutional to be in writing and brought as an ordinary proceeding. New law also allows the attorney general 30 days to respond to the pleading or represent or supervise the interests of the state.

New law (C.C.P. Art. 1845) provides that judgments rendering a statute or law unconstitutional are absolutely null and shall be void and unenforceable if proper service was not made on the attorney general in accordance with C.C.P. Art. 855.1.

Existing law (C.C.P. Art. 1880) provides that when declaratory relief is sought, all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding.

New law requires proceedings alleging unconstitutionality of statutes or laws to be in accordance with C.C.P. Arts. 855.1 and 1845.

Existing law (C.Cr.P. Art. 62) provides supervisory authority for the attorney general in certain circumstances involving the district attorneys and other state interests.

New law requires actions alleging that statutes or laws are unconstitutional to be in writing and served upon the attorney general of the state.

New law allows the attorney general 30 days to respond to the pleading or represent or supervise the interests of the state upon proper service. New law also allows the attorney general to directly appeal adverse rulings to the supreme court of Louisiana for a supervisory review whether or not the attorney general participated in the underlying proceeding.

Existing law (R.S. 49:257(C)) provides that the attorney general under his discretion shall represent or supervise the representation of the interests of the state in any action or proceeding in which the constitutionality of a state statute or of a resolution of the legislature is challenged or assailed.

New law provides that the attorney general shall be served a notice or copy of a pleading challenging the constitutionality of a state law which will allow the attorney general, at his discretion, to present, represent, or supervise the representation of the state's interest in the proceeding if the proceeding is in accordance with C.C.P. Arts. 855.1 and 1845 and C.Cr.P. Art. 62(D). In any civil proceeding challenging the constitutionality of a law, the allegations of unconstitutionality shall be contained in a pleading as defined in C.C.P. Art. 852.

Effective April 29, 2024.

(Amends R.S. 49:257(C) and C.C.P. Art. 1880; Adds C.C.P. Arts. 855.1 and 1845 and C.Cr.P. Art. 62(D))