
DIGEST

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HB 160 Reengrossed

2025 Regular Session

Dickerson

Abstract: Provides relative to ethics complaints, investigative powers of the Board of Ethics, and penalties for making a false ethics complaint.

Present law (R.S. 42:1141(B)) provides that the Board of Ethics (Board) shall consider any sworn complaint concerning a violation of present law (Code of Governmental Ethics). Proposed law retains present law.

Present law provides that after a two-thirds majority vote of its membership, the Board may consider any matter which it believes to be a violation of the Code of Governmental Ethics. Proposed law specifies that the matter must be in a non-sworn complaint for the board to vote to consider it.

Present law provides that the Board may consider any matter that it reasonably believes is a violation of any other provision of law within its jurisdiction as provided in present law or as otherwise provided by law.

Proposed law provides that the Board may consider any matter identified in a report required by law to be submitted to the board by a governmental agency or official, or as may be otherwise provided by law.

Present law requires the Board to send by certified mail a copy of the complaint, the vote, and the factual allegations upon which the Board based its decision to investigate to both the accused and the complainant. Provides that the name of the complainant be redacted.

Proposed law provides instead that the name of the complainant not be redacted when the copy of the complaint is sent to the accused. Otherwise retains present law.

Present law provides that the Board may use panels to conduct investigations and hearings concerning alleged violations of laws within its jurisdiction. Proposed law retains present law.

Present law provides that the Board provide only a notification stating the final disposition of the complaint to the complainant who has filed a non-sworn complaint. Proposed law retains present law.

Proposed law provides that a complaint shall be made in writing and contain the full name of the complainant. Requires the complainant to file a non-sworn complaint in person with the Board at the offices of the Board. Requires the complainant filing a non-sworn complaint to provide a valid

driver's license, passport, or other government-issued identification. Further requires a sworn complaint to be filed by mail, fax, or uploading the complaint to the website of the Board, or by filing in person with the Board.

Proposed law requires a sworn complaint to be notarized and contain the full name and signature of the complainant and an oath attesting to the truthfulness of the complaint.

Proposed law prohibits retaliatory action against a complainant. Provides for the definition of "retaliatory action". Provides that any complainant against whom retaliatory action is taken by a person in violation of proposed law, may commence a civil action in the district court of the complainant's parish of domicile against the person.

Present law (R.S. 42:1153) provides penalties for violations of any provision of law that is within the jurisdiction of the Board.

Proposed law retains present law and additionally provides that upon a determination that a person has knowingly and willfully made a false complaint pursuant to present law and proposed law, the Ethics Adjudicatory Board shall assess attorney fees against the person.

(Amends R.S. 42:1141(B)(1); Adds R.S. 42:1141(D) and 1153(C))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Make technical changes.
2. Provide that a non-sworn complaint shall be filed in person with the Board of Ethics at the offices of the board. Further provides that a sworn complaint shall be filed by mail, fax, or uploading the complaint to the website of the Board of Ethics, or by filing in person with the board at the offices of the board.
3. Add requirements for sworn complaints.
4. Add a provision that prohibits retaliation against a complainant and provides for filing a civil action.
5. Restructure the penalty provision in proposed law.

The House Floor Amendments to the engrossed bill:

1. Allows the Board of Ethics to start an investigation from a matter identified in a report required by law to be submitted to the board by a governmental agency or official.