

Regular Session, 2014

HOUSE BILL NO. 1165

BY REPRESENTATIVE KATRINA JACKSON

CIVIL/ACTIONS: Provides for liability for civil damages against persons alleging certain unsubstantiated acts of malfeasance in office against elected officials

1 AN ACT

2 To enact R.S. 9:2800.23, relative to liability; to provide for liability for persons alleging
3 misconduct of elected officials; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 9:2800.23 is hereby enacted to read as follows:

6 §2800.23. Unsubstantiated allegations against elected official; civil damages

7 A. Any person who alleges malfeasance in office, as defined in R.S. 14:134,
8 against any elected official when the allegations are determined by a governing
9 authority to be unsubstantiated shall be liable for any civil damage to the elected
10 official, including damages to the elected official's reputation.

11 B. For the purposes of this Section, "governing authority" shall mean any
12 legislatively or constitutionally created body, board, or commission that has the
13 authority to disqualify or recommend for disqualification an elected official from
14 exercising an official function or any criminal court in which the elected official is
15 a defendant for the crime of malfeasance in office.

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)]

Katrina Jackson

HB No. 1165

Abstract: Provides for civil damages for an elected official when a person alleges certain acts of malfeasance in office that are unsubstantiated.

Proposed law authorizes civil damages against a person who alleges malfeasance in office, as defined by R.S. 14:134, when the allegations are determined to be unsubstantiated by a governing authority.

Proposed law further defines "governing authority" as a legislatively or constitutionally created body, board, or commission that has the authority to disqualify or recommend for disqualification an elected official from exercising an official function or any criminal court in which the elected official is a defendant for the crime of malfeasance in office.

Present law (R.S. 14:134) provides that malfeasance in office is committed when any public officer or public employee does any of the following:

- (1) Intentionally refuses or fails to perform any duty lawfully required of him.
- (2) Intentionally performs any duty required of him in an unlawful manner.
- (3) Knowingly permits any other public officer or public employee who is under his authority to intentionally refuse or fail to perform any duty lawfully required of him or to perform the duty in an unlawful manner.

(Adds R.S. 9:2800.23)