
DIGEST

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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)