
DIGEST

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Fannin

HB No. 1197

Abstract: Provides for a newly-elected sheriff to be appointed to fill a vacancy in the office of sheriff for the remainder of the term under certain circumstances and clarifies that such person is eligible to seek the office in instances where the newly-elected sheriff is appointed to fill a vacancy created by the removal from office of a sheriff because of a felony conviction.

Present constitution (Art. V, §30) and present law (Election Code-R.S. 18:602) provides that when a vacancy occurs in the office of sheriff the duties of the office shall be assumed by the chief criminal deputy until it is filled by election as provided by law. Provides that if there is no such person to assume the duties when the vacancy occurs, the governing authority of the parish shall appoint a qualified person to assume the duties of the office until filled by election. Present law (Election Code-R.S. 18:602) further provides that if the unexpired term is one year or less, no special election to fill the vacancy is called and the person appointed to fill the vacancy or designated to assume the duties of the office shall serve for the remainder of the term.

Present law (R.S. 42:1411 and 1412) provides that a public officer shall be removed from office for conviction of a felony during his term of office. Provides that the conviction automatically suspends the person from his public office until the conviction is final and provides for removal of the convicted public officer by judgment of the district court of the district in which he is domiciled. Provides that during the period of suspension, another qualified person shall be appointed to fulfill the duties and functions of the office. Specifies that no person so appointed shall be eligible in the next election as a candidate for the office to which he is appointed except as otherwise provided by present law (R.S. 18:602(E)(1)).

Proposed law provides that if a vacancy in the office of sheriff occurs after a regularly scheduled election but prior to the beginning of the term and there is no chief deputy sheriff to assume the office, the parish governing authority may appoint the person who was elected to the office of sheriff in the regular election to assume the duties of the office. Proposed law (R.S. 18:602(E)(1)(c)) further provides that if a sheriff is removed or suspended from office pursuant to the provisions of present law (R.S. 42:1411 or 1412) and the newly-elected sheriff is appointed to assume the duties of the office pursuant proposed law, the person so appointed shall be eligible in the next election as a candidate for the office to which he is appointed.

Provides that the provisions of the Act are remedial and curative and are to be applied retroactively as well as prospectively.

(Amends R.S. 18:602(C); Adds R.S. 18:602(E)(1)(c))