

Regular Session, 2012

# ACT No. 296

HOUSE BILL NO. 1197 (Substitute for House Bill No. 893 by Representative Fannin)

BY REPRESENTATIVE FANNIN

1 AN ACT

2 To amend and reenact R.S. 18:602(C) and to enact R.S. 18:602(E)(1)(c), relative to  
3 vacancies in the office of sheriff; to provide for the filling of such vacancies under  
4 certain circumstances; to provide relative to the eligibility of the person filling such  
5 a vacancy to seek the office; to provide for retroactive application; and to provide for  
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 18:602(C) is hereby amended and reenacted and R.S. 18:602(E)(1)(c)  
9 is hereby enacted to read as follows:

10 §602. Vacancies in certain local and municipal offices; exceptions

11 \* \* \*

12 C.(1) When a vacancy occurs in any of the following offices, the duties of  
13 the office shall be assumed by the person hereinafter designated: ~~(1)~~ (a) district  
14 attorney, by the first assistant; ~~(2)~~ (b) clerk of a district court, by the chief deputy;  
15 ~~(3)~~ (c) coroner, by the chief deputy; ~~(4)~~ (d) sheriff, by the chief criminal deputy,  
16 except that in a parish that has both a civil sheriff and a criminal sheriff, the civil  
17 sheriff by the chief civil deputy, and the criminal sheriff, by the chief criminal  
18 deputy, respectively; and ~~(5)~~ (e) tax assessor, by the chief deputy assessor.

19 (2)(a) If there is no such person to assume the duties when the vacancy  
20 occurs, the governing authority or authorities of the parish or parishes affected shall,  
21 within ten days, appoint a person having the qualifications of the office to assume  
22 the duties of the office. However, if the deadline for making the appointment falls  
23 on a Saturday, Sunday, or other legal holiday, then the next day which is not a  
24 Saturday, Sunday, or legal holiday shall be deemed to be the final day for making  
25 such appointment.

1                   (b) If the vacancy in the office of sheriff occurs after a regularly scheduled  
 2                   election for the office of sheriff but prior to the beginning of the term and there is no  
 3                   chief deputy sheriff as provided in Paragraph (1) of this Subsection to assume the  
 4                   duties of the office, the parish governing authority may appoint the person who was  
 5                   elected to the office of sheriff in the regular election to assume the duties of the  
 6                   office in the manner provided in Subparagraph (a) of this Paragraph.

\* \* \*

E.(1)

\* \* \*

10                   (c) If a sheriff is removed or suspended from office pursuant to the  
 11                   provisions of R.S. 42:1411 or 1412 and a person is appointed to assume the duties  
 12                   of the office pursuant to Subparagraph (C)(2)(b) of this Section, the person so  
 13                   appointed shall be eligible in the next election as a candidate for the office to which  
 14                   he is appointed.

\* \* \*

16                   Section 2. This Act is declared to be remedial and curative and therefore is to be  
 17                   applied retroactively as well as prospectively.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_