2021 Regular Session

HOUSE BILL NO. 496

BY REPRESENTATIVE HARRIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

JUDGES: Establishes certain requirements for financial disclosure statements filed by judges and judicial candidates and provides for the availability of such statements

AN ACT

To enact Part II of Chapter 1 of Title 13 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 13:11 through 13, relative to financial disclosure statements filed by judges and judicial candidates; to require financial disclosure statements to be filed; to provide for the content of such statements; to provide for the duties and responsibilities of the judicial administrator of the supreme court relative thereto; to provide for the duties and responsibilities of the Board of Ethics relative thereto; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part II of Chapter 1 of Title 13 of the Louisiana Revised Statutes of 1950, comprised of R.S. 13:11 through 13, is hereby enacted to read as follows:

PART II. FINANCIAL DISCLOSURE STATEMENTS

§11. Financial disclosure statements; requirements

A.(1) All elected judges shall file financial disclosure statements with the judicial administrator of the supreme court for the same time periods, by the same deadlines, and disclosing the same information required by R.S. 42:1124.2.

(2) All judicial candidates shall file financial disclosure statements with the judicial administrator of the supreme court for the same time periods, by the same deadlines, and disclosing the same information required by R.S. 42:1124.2 that is required of other candidates for elected public office by R.S. 18:1495.7.

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B. For the purposes of this Part:

(1) The term "elected judges" shall mean justices of the peace and elected judges.

(2) The term "judicial candidate" shall mean a person who is seeking election to the office of justice of the peace or judge.

§12. Duties of the judicial administrator; enforcement; penalties

A.(1) The judicial administrator of the supreme court shall transmit to the Board of Ethics, in the manner determined by the board, each financial disclosure statement required to be filed by an elected judge or a judicial candidate with his office no later than seven business days after receipt of the financial disclosure statement.

(2) The judicial administrator of the supreme court shall maintain an up-to-date list of judges and judicial candidates who have failed to file, failed to timely file, failed to provide omitted information, or failed to provide accurate information on a financial disclosure statement required by this Part. The judicial administrator shall transmit the list to the Board of Ethics, in the manner determined by the board, no later than seven business days of the compilation of the list and no later than seven business days after any change to the list.

B. The failure of the judicial administrator of the supreme court to transmit a financial disclosure statement or the list required by Paragraph (A)(2) of this Section to the Board of Ethics in the manner and within the time period required by Subsection A of this Section shall constitute a violation of the Code of Governmental Ethics by the judicial administrator, and each violation is subject to the enforcement procedures and penalties provided for in the Code of Governmental Ethics for violations thereof.

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§13. Duties of the Board of Ethics

A. The Board of Ethics shall make each financial disclosure statement it receives pursuant to this Part available to the public via the internet on its website no later than seven business days after receipt of the financial disclosure statement from the judicial administrator of the supreme court.

B. The Board of Ethics shall make the most up-to-date list received pursuant to R.S. 13:12(A)(2) available to the public via the internet on its website no later than seven business days after receipt of the list from the judicial administrator of the supreme court.

Section 2.(A) No later than October 1, 2021, the judicial administrator of the supreme court shall electronically transmit to the Board of Ethics a copy of each financial disclosure statement that was filed with his office by judges and judicial candidates prior to August 1, 2021. The Board of Ethics shall make each financial disclosure statement transmitted pursuant to this Section available to the public via the internet on its website no later than sixty business days after receipt of the financial disclosure statement from the judicial administrator. All financial disclosure statements filed with the judicial administrator of the supreme court on and after August 1, 2021, shall be transmitted and made available to the public in the manner provided by the provisions of Section 1 of this Act.

(B) On and after January 1, 2022, the content requirements and filing deadlines applicable to all financial disclosure statements filed by elected judges and judicial candidates shall be in compliance with the provisions of Section 1 of this Act.

(C) The supreme court may adopt or amend rules as it deems necessary for the effective implementation and enforcement of the provisions of this Act.

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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)]

HB 496 Original 2021 Regular Session Harris

Abstract: Requires elected judges, justices of the peace, and candidates for such offices to file financial disclosure statements that disclose the same information required of filers of Tier 2 disclosures pursuant to the Code of Governmental Ethics (ethics code), requires the judicial administrator to transmit those statements to the Bd. of Ethics (board), and requires those statements to be available to the public via the board's website.

Proposed law requires all elected judges and judicial candidates to file financial disclosure statements with the judicial administrator of the supreme court, which statements shall disclose the same information required to be disclosed by certain public servants and certain candidates by present law (ethics code–R.S. 42:1124.2 (Tier 2 filers) and the Campaign Finance Disclosure Act–R.S. 18:1495.7) and for the same time periods and by the same deadlines as apply to those statements. Defines "elected judge" and "judicial candidate" for such purposes.

Proposed law requires the judicial administrator of the supreme court to electronically transmit to the board each financial disclosure statement filed by an elected judge or a judicial candidate with his office no later than seven business days after receipt of the financial disclosure statement. Requires the judicial administrator to maintain an up-to-date list of judges and judicial candidates who have failed to file, failed to timely file, failed to provide omitted information, or failed to provide accurate information on a financial disclosure statement required by proposed law. Provides that the failure of the judicial administrator to transmit a financial disclosure statement or up-to-date list to the board in the manner and within the time period required by proposed law constitutes a violation of the Code of Governmental Ethics (ethics code) by the judicial administrator and each such violation shall be subject to the enforcement procedures and penalties provided for in the ethics code. Present law penalties for violations of the ethics code and certain other laws within the board's jurisdiction by public employees and other persons include removal, suspension, reduction in pay, or demotion and/or a fine of up to $10,000.

Proposed law requires the board to make each financial disclosure statement and the most up-to-date list of those who have failed to comply with proposed law available to the public via the internet on its website no later than seven business days after receipt from the judicial administrator.

Proposed law further requires the judicial administrator, no later than Oct. 1, 2021, to electronically transmit to the board a copy of each financial disclosure statement that was filed with his office by judges and candidates for judicial office prior to Aug. 1, 2021, (effective date of proposed law). Requires the board to make each such financial disclosure statement available to the public via the internet on its website no later than 60 business days after receipt of the financial disclosure statement from the judicial administrator. Specifies that all financial disclosure statements filed with the judicial administrator of the supreme court on and after Aug. 1, 2021, shall be transmitted and made available to the public in the manner provided by proposed law. Further specifies that on and after Jan. 1, 2022, the content of all financial disclosure statements filed by elected judges and judicial candidates

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shall be in compliance with the provisions of proposed law. Additionally provides that the supreme court may adopt or amend rules as it deems necessary for the effective implementation and enforcement of the provisions of proposed law.

(Adds R.S. 13:11-13)

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