2022 Regular Session

HOUSE BILL NO. 642

BY REPRESENTATIVE FIRMENT

ETHICS/CODE: Exempts certain transactions regarding the donation, sale, or lease of the former defender's office utilized to render public defender services under certain conditions

AN ACT

To enact R.S. 42:1121(I), relative to post service restrictions; to provide an exemption to allow certain transactions for district offices for public defender services subject to certain conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1121(I) is hereby enacted to read as follows:

§1121. Assistance to certain persons after termination of public service

* * *

<u>I. The provisions of this Section shall not prohibit a former chief indigent defender as provided in R.S. 15:161(H), or a legal entity in which the former chief indigent defender owns an interest, from donating office space, leasing office space at a fair market value, or selling office space at fair market value following an appraisal to the district public defender's office if the transaction is deemed necessary for the continuity of the provision of public defender services within a judicial district at the same location and the transaction is approved by the Louisiana Public Defender Board or its successor.</u>

CODING: Words in ~~struck through~~ type are deletions from existing law; words <u>underscored</u> are additions.

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 642 Engrossed 2022 Regular Session Firment

Abstract: Allows a former chief indigent defender or a legal entity in which the former chief indigent defender owns an interest, to donate, lease at a fair market value, or sell at fair market value office space to the district public defender's office.

Present law (R.S. 42:1121) prohibits a former agency head or elected official for a period of two years following the termination of his public service as the head of such agency or as an elected public official serving in such agency from assisting another person, for compensation, in a transaction, or in an appearance in connection with a transaction, involving that agency or from rendering any service on a contractual basis to or for such agency. Present law further prohibits a legal entity in which a former public servant is an officer, director, trustee, partner, or employee for a period of two years following termination of his public service from assisting another person for compensation in a transaction or in an appearance in connection with a transaction in which such public servant at any time participated during his public service and involving his former agency. Present law prohibits a former public servant from sharing in any compensation received by another person for assistance which such former public servant is prohibited from rendering by present law.

Proposed law provides an exception to allow a former chief indigent defender or a legal entity in which the former chief indigent defender owns an interest, to donate office space, to lease office space at a fair market value, or to sell office space at fair market value following an appraisal to the district public defender's office if the transaction is deemed necessary for the continuity of the provision of public defender services within a judicial district at the same location and the transaction approved by the La. Public Defender Board or its successor.

(Adds R.S. 42:1121(I))

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