SLS 10RS-319 ORIGINAL

Regular Session, 2010

SENATE BILL NO. 122

BY SENATOR ADLEY

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CAMPAIGN FINANCE. Constitutional amendment to provide that the attorney general is to prosecute felony violations of state campaign finance laws. (2/3-CA 13s1(A))

A JOINT RESOLUTION

Proposing to amend Article IV, Section 8, of the Constitution of Louisiana, relative to powers and duties of the attorney general; to provide for the criminal prosecution of certain crimes; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to amend Article IV, Section 8 of the Constitution of Louisiana, to read as follows:

§8. Attorney General; Powers and Duties

Section 8. There shall be a Department of Justice, headed by the attorney general, who shall be the chief legal officer of the state. The attorney general shall be elected for a term of four years at the state general election. The assistant attorneys general shall be appointed by the attorney general to serve at his pleasure.

As necessary for the assertion or protection of any right or interest of the state, the attorney general shall have authority (1) to institute, prosecute, or intervene in any civil action or proceeding; (2) upon the written request of a district attorney,

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2	authorized by the court which would have original jurisdiction and subject to judicial
3	review, (a) to institute, prosecute, or intervene in any criminal action or proceeding,
4	or (b) to supersede any attorney representing the state in any civil or criminal action;
5	and (4) to institute and prosecute felony violations of state campaign finance
6	<u>laws</u> .
7	The attorney general shall exercise other powers and perform other duties
8	authorized by this constitution or by law.
9	Section 2. Be it further resolved that this proposed amendment shall be submitted
10	to the electors of the state of Louisiana at the statewide election to be held on November 2,
11	2010.
12	Section 3. Be it further resolved that on the official ballot to be used at said election
13	there shall be printed a proposition, upon which the electors of the state shall be permitted
14	to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall
15	read as follows:
16	To require the attorney general to prosecute felony violations of state
17	campaign finance laws.
18	(Amends Article IV, Section 8)
19	Section 4. The provisions of this Resolution shall be given retroactive application to
20	March 30, 2008.

to advise and assist in the prosecution of any criminal case; and (3) for cause, when

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michael Bell.

DIGEST

<u>Present state constitution</u> provides that the attorney general will have authority do the following:

- (1) To institute, prosecute, or intervene in any civil action or proceeding.
- (2) Upon the written request of a district attorney, to advise and assist in the prosecution of any criminal case.
- (3) For cause, when authorized by the court which would have original jurisdiction and subject to judicial review, (a) to institute, prosecute, or intervene in any criminal action or proceeding, or (b) to supersede any attorney representing the state in any civil or criminal action.

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Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

<u>Proposed constitutional amendment</u> retains <u>present constitution</u> and requires the attorney general to institute and prosecute felony violations of state campaign finance laws.

Provides that proposed constitutional amendment is retroactive to March 30, 2008.

Specifies submission of the amendment to the voters at the statewide election to be held on November 2, 2010.

(Amends Const. Art. IV, Sec. 8)