

2018 Regular Session

HOUSE BILL NO. 738

BY REPRESENTATIVE HUNTER

ETHICS/CODE: Provides an ethics exception to allow legislators, statewide elected officials, specified public servants, immediate family members, and related legal entities to enter into contracts to be a public defender

1 AN ACT

2 To enact R.S. 42:1113(D)(2)(j), relative to the ethics prohibition on contracts with state
3 government; to provide an exception that allows statewide elected officials,
4 legislators, specified agency heads, other specified public servants, immediate family
5 members of such persons, and related legal entities to enter contracts to be a public
6 defender; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 42:1113(D)(2)(j) is hereby enacted to read as follows:

9 §1113. Prohibited contractual arrangements; exceptions; reports

10 * * *

11 D.

12 * * *

13 (2) The provisions of this Subsection shall not prohibit the following:

14 * * *

15 (j) A contract to be a public defender in accordance with the Louisiana
16 Public Defender Act.

17 * * *

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 738 Original

2018 Regular Session

Hunter

Abstract: Adds an exception to the state contract prohibition to allow statewide elected officials, legislators, specified agency heads, other specified public servants, immediate family members of such persons, and related legal entities to enter contracts to be a public defender.

Present law prohibits statewide elected officials, legislators, specified agency heads, and other public servants, their spouses, and any legal entity of such a person from entering into any contract with state government. Further prohibits other immediate family members of such a person and any legal entity of other family members from entering into any contract with state government unless the contract is awarded by competitive bidding after being advertised and awarded in accordance with law or is competitively negotiated through a request for proposal process or any similar competitive selection process in accordance with law, but specifically excludes consulting services from the exception for competitively let contracts. Provides exceptions. Requires annual disclosure of allowed contracts by May 15th.

Proposed law adds an exception to allow contracts to be a public defender, which provides legal counsel to an indigent person in a criminal proceeding, in accordance with present law (Louisiana Public Defender Act).

(Adds R.S. 42:1113(D)(2)(j))