

**December 29, 2006**  
**OPINION NUMBER 05-0406**

77 OFFICERS – Local & Municipal; Selection,  
Qualifications & Tenure; Vacancies

La. R.S. 13:2583 et. seq.

Honorable Tracy McCartney  
Constable, LaSalle Parish  
1221 LA Street  
Jena, LA 71342

A constable in the Parish of LaSalle shall reside in the district from which elected. When a vacancy occurs in the office of constable, the chief deputy or appointed person by the governing authority shall assume such position and duties and serve for the remainder of the unexpired term, when the unexpired term is one year or less.

Dear Constable McCartney:

This office is in receipt of your request for an Attorney General Opinion regarding the residency requirements for the office of constable. Specifically, you ask whether you may continue to serve as constable in the districts for which you were elected, but no longer reside.

As indicated in your request, you were elected for Districts 1 and 4 in the parish of LaSalle, and have recently moved to District 5. Louisiana Revised Statute 13:2583A(1) sets forth the requirements and qualifications for the office of constable and provides in pertinent part:

A(1) There shall be one constable for the court of each justice of the peace in the several parishes of the state, who shall be...an elector and resident of the ward or district from which elected.  
(Emphasis Added.)

As per Section A(1) of the above referenced statute, a constable shall be a resident of the district from which elected. See also Atty. Gen. Op. No. 97-403. Therefore, in light of La. R.S. 13:2583 et seq., it is the opinion of this office that you may no longer serve the remainder of your term as constable of Districts 1 and 4, from which you were elected.

In reference to your concerns regarding the vacancy of office that will occur from your resignation, La. R.S. 13:2583F is pertinent to your inquiry and provides as follows:

F. When a vacancy occurs in the office of constable or marshal and unexpired term of the office is one year or less, the chief deputy shall assume such position and duties and shall serve for the remainder of the unexpired term. However, in those cases where there is no such person to assume the duties when the vacancy occurs, the appropriate governing authority shall within ten days, appoint a person having the qualifications of the office to assume the duties of the office for the remainder of the unexpired term. (Emphasis added.)

According to the information provided to our office, the remainder of your unexpired term is one year or less. Therefore, it is the opinion of our office that the chief deputy will serve the remainder of the unexpired term; however, if there is no such person, the governing authority shall appoint a person who meets the qualifications of the pertinent statute to serve the remainder of the term.

We hope the foregoing is helpful to you. Should you have any further inquiries in which we may provide assistance, please contact this office.

Yours very truly,

**CHARLES C. FOTI, JR.**  
**ATTORNEY GENERAL**

By: \_\_\_\_\_

LaTonya L. Ozene  
Assistant Attorney General

CCF, Jr:LLO/jv  
Enclosure

cc: LaSalle Parish Police Jury  
Honorable Eddie Coolman, JP, Dist. 1  
Honorable Don R. Smith, JP, Dist. 4

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Constable, LaSalle Parish  
1221 LA Street  
Jena, LA 71342

Date Received:  
Date Released: December 29, 2006

LaTonya L. Ozene  
Assistant Attorney General