

2020 Regular Session

HOUSE BILL NO. 638

BY REPRESENTATIVES LANDRY AND FREEMAN

LOCAL GOVT/ORDINANCES: Provides relative to maximum penalties imposed for the violation of parish and municipal ordinances

1 AN ACT

2 To amend and reenact R.S. 33:1243(A)(1) and (B)(1), to enact R.S. 33:1376, and to repeal
3 R.S. 33:1375, relative to parish and municipal ordinances; to provide relative to the
4 violation of such ordinances; to establish maximum penalties for any such violation;
5 to provide exceptions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 33:1243(A)(1) and (B)(1) are hereby amended and reenacted and
8 R.S. 33:1376 is hereby enacted to read as follows:

9 §1243. Maximum penalties

10 A.(1) Except as otherwise provided in this Section, the maximum penalty
11 which may be imposed for a violation of any parish ordinance shall be a fine of ~~five~~
12 ~~hundred~~ nine hundred fifty dollars and imprisonment of thirty days in the parish jail.

13 A maximum of one hundred hours of community service may be imposed for a
14 violation of any parish ordinance in addition to, or in lieu of, any penalty provided
15 for in this Section.

16 * * *

17 B.(1) In the parish of Jefferson the maximum penalty which may be imposed
18 for a violation of any parish ordinance shall be a fine of ~~five hundred~~ nine hundred
19 fifty dollars and imprisonment of six months in the parish jail.

20 * * *

1 §1376. Municipal ordinances; violations; maximum penalties
 2 Except in the case in which a higher maximum penalty is otherwise
 3 authorized by law, the maximum penalty which may be imposed for the violation of
 4 any ordinance enacted by the governing authority of a municipality shall be a fine
 5 of nine hundred fifty dollars. The maximum penalty established by the provisions
 6 of this Section shall not apply to any penalty imposed for a non-moving or parking
 7 violation or any other traffic violation, including any violation captured by an
 8 automated traffic enforcement system.

9 Section 2. R.S. 33:1375 is hereby repealed in its entirety.

10 Section 3. This Act shall become effective on July 1, 2020; if vetoed by the governor
 11 and subsequently approved by the legislature, this Act shall become effective on July 1,
 12 2020, or on the day following such approval by the legislature, whichever is later.

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 638 Engrossed	2020 Regular Session	Landry
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Abstract: Increases the maximum penalty that may be imposed for a violation of a parish or municipal ordinance.

Present law provides that the maximum penalty that may be imposed for the violation of a parish ordinance is a \$500 fine and imprisonment of 30 days in parish jail. Provides that the maximum length of imprisonment in Jefferson Parish is six months and authorizes higher penalties for violations of certain ordinances in East Baton Rouge and Jefferson parishes. Authorizes imposition of civil penalties for some violations of waste treatment ordinances. Additionally authorizes imposition of up to 100 hours of community service, in addition to or in lieu of penalties authorized by existing law, for a violation of a parish ordinance.

Proposed law instead provides that the maximum penalty that may be imposed for the violation of any parish ordinance is a fine of \$950, except as otherwise provided for by law. Retains the 30 day imprisonment provision and the authority granted to the parish to impose community service or additional civil penalties. Also retains higher penalties for violations of certain ordinances.

Present law provides that the maximum penalty which may be imposed for the violation of any ordinance enacted by the governing authority of the city of New Orleans is a fine of \$500 for a first offense violation and \$1,000 for the second or any subsequent offense. Provides that the maximum penalties do not apply to penalties imposed for non-moving or parking violations or other traffic violations, including those captured by an automated traffic enforcement system.

Proposed law repeals present law and provides instead that the maximum penalty which may be imposed for the violation of municipal ordinances statewide is a fine of \$950, unless a higher maximum penalty is otherwise authorized by law. Provides that the maximum penalties do not apply to penalties imposed for non-moving or parking violations or other traffic violations, including those captured by an automated traffic enforcement system.

Effective July 1, 2020.

(Amends R.S. 33:1243(A)(1) and (B)(1); Adds R.S. 33:1376; Repeals R.S. 33:1375)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill:

1. Change the maximum penalty that may be imposed for the violation of any parish or municipal ordinance from a fine of \$5,000 to \$950 and adds exceptions in cases in which a higher maximum penalty is otherwise authorized by law.
2. Retain present law regarding higher penalties for certain violations.