AN ACT
To amend and reenact R.S. 13:1894 and 2493(C), R.S. 14:143, and Code of Criminal Procedure Article 843 and to repeal R.S. 14:34.2(C), 67(D), 67.10(C), 69(D), 71(H), 82(F), and 285(E), relative to the enactment, enforcement, and prosecution of certain municipal or parochial ordinances; to provide that governing authorities of political subdivisions may adopt ordinances which define certain conduct as a criminal offense; to provide limitations on and requirements for those ordinances; and to repeal provisions which allow the adoption of municipal ordinances defining certain crimes; to provide for the enforcement of certain ordinances; to provide for the applicable procedure in court; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:1894 and 2493(C) are hereby amended and reenacted to read as follows:

§1894. Criminal jurisdiction

A. The criminal jurisdiction of city courts is limited to the trial of offenses committed within their respective territorial jurisdictions which are not punishable by imprisonment at hard labor, including the trial of cases involving the violation of any city or parochial ordinance.
those offenses under state law, the violation of those offenses under a
corporal or parochial ordinance adopted under the provisions of R.S.
14:143, and the violation of any other municipal or parochial
ordinance.

B. In cases involving the violation of a state law or the violation
of an ordinance enacted pursuant to R.S. 14:143(B), all procedure shall
comply with those parts of the Louisiana Constitution of 1974, the
Louisiana Revised Statutes, and the Code of Criminal Procedure
pertaining to the prosecution of criminal cases not requiring trial by
jury.

C. City judges may also require bonds to keep the peace; issue
warrants of arrest; examine, commit, and admit to bail and discharge;
and hold preliminary examinations in all cases not capital.

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§2493. Jurisdiction

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C. When exercising said concurrent jurisdiction and in cases
involving violation of an ordinance adopted pursuant to R.S. 14:143(B),
all procedure shall comply with those parts of the Louisiana
Constitution of 1974, the Louisiana Revised Statutes, and the Code of
Criminal Procedure pertaining to the prosecution of criminal cases not
requiring trial by jury.

Section 2. R.S. 14:143 is hereby amended and reenacted to read as
follows:

§143. Preemption of state law; exceptions

A. Except as otherwise specifically provided in this Section, no
governing authority of a political subdivision shall enact an ordinance
defining as an offense conduct that is defined and punishable as a felony under state law.

B. A governing authority of a parish or municipality may enact an ordinance defining as an offense conduct that is defined and punishable as a felony under state law if the ordinance is comparable to one of the crimes defined by state law and listed in Subsection C of this Section. No ordinance shall define as an offense conduct that is defined and punishable as a felony under any other state law. The ordinance shall comply with the provisions of Subsection D of this Section. A conviction under an ordinance which complies with the provisions of this Section may be used as a predicate conviction in prosecutions under state law.

C. The offense defined in the ordinance shall be comparable to one of the following state laws:

1. R.S. 14:63 (criminal trespass).
2. R.S. 14:67(B)(3) (theft when the misappropriation or taking amounts to less than a value of three hundred dollars).
3. R.S. 14:67.2(B)(3) (theft of animals when the misappropriation or taking amounts to less than a value of one hundred dollars).
4. R.S. 14:67.3 (unauthorized use of "access card" as theft).
5. R.S. 14:67.4 (theft of domesticated fish from fish farm).
7. R.S. 14:67.6(C)(1) (first offense of theft of utility service).
8. R.S. 14:67.10(B)(3) (theft of goods when the misappropriation or taking amounts to less than a value of three hundred dollars).

(10) R.S. 14:67.13(B)(3) (theft of an alligator when the misappropriation or taking amounts to less than a value of one hundred dollars).

(11) R.S. 14:69(B)(3) (illegal possession of stolen things when the value of the stolen things is less than three hundred dollars).

(12) R.S. 14:82(B)(1) (prostitution).

(13) R.S. 14:93.2.1 (child desertion).

(14) R.S. 14:222.1 (unauthorized interception of cable television services).

(15) R.S. 14:285(C) (improper telephone communications).


(17) R.S. 40:1031, 1032, 1033, 1033.1, 1034, 1035(A), and 1036 (possession of drug paraphernalia).

D. An ordinance adopted under the provisions of this Section shall incorporate the standards and elements of the comparable crime under state law and the penalty provided in the ordinance shall not exceed the penalty provided in the comparable crime under state law.

E. The provisions of this Section shall not repeal, supersede, or limit the provisions of R.S. 13:1894.1 or R.S. 40:966(D)(4).

Section 3. Code of Criminal Procedure Article 843 is hereby amended and reenacted to read as follows:

Art. 843. Recording of proceedings

In felony cases, in cases involving violation of an ordinance enacted pursuant to R.S. 14:143(B), and on motion of the court, the state, or the defendant in other misdemeanor cases tried in a district, parish, or city court, the clerk or court stenographer shall record all of
the proceedings, including the examination of prospective jurors, the
testimony of witnesses, statements, rulings, orders, and charges by the
court, and objections, questions, statements, and arguments of counsel.

Section 4. R.S. 14:34.2(C), 67(D), 67.10(C), 69(D), 71(H), 82(F), and
285(E) are hereby repealed in their entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ________________

CODING: Words in **struck through** type are deletions from existing law; words **underscored** are additions.