

2022 Regular Session

HOUSE BILL NO. 393

BY REPRESENTATIVE LANDRY

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), to enact R.S. 33:1243(D) and 1377, 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; to provide for an effective date; and to provide for related  
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 33:1243(A)(1) is hereby amended and reenacted and R.S.  
9 33:1243(D) and 1377 are hereby enacted to read as follows:

10 §1243. Maximum penalties

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

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

17 \* \* \*

18 D. Notwithstanding any other provision of this Section to the contrary, the  
19 maximum penalty imposed by a parish governing authority for a violation of a  
20 criminal ordinance shall not exceed the maximum penalty authorized for a

1 comparable criminal offense pursuant to Title 14 of the Louisiana Revised Statutes  
2 of 1950.

3 \* \* \*

4 §1377. Municipal ordinances; violations; maximum penalties

5 A. Except in a case in which a higher maximum penalty is otherwise  
6 authorized by law, the maximum penalty that may be imposed for the violation of  
7 any ordinance enacted by the governing authority of a municipality shall be a fine  
8 of nine hundred fifty dollars. The maximum penalty established by the provisions  
9 of this Section shall not apply to any penalty imposed for a non-moving or parking  
10 violation or any other traffic violation, including any violation captured by an  
11 automated traffic enforcement system.

12 B. Notwithstanding the provisions of Subsection A of this Section, the  
13 maximum penalty imposed by a municipal governing authority for a violation of a  
14 criminal ordinance shall not exceed the maximum penalty authorized for a  
15 comparable criminal offense pursuant to Title 14 of the Louisiana Revised Statutes  
16 of 1950.

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 R.S. 33:1375 is hereby repealed in its entirety.

18 Section 3. This Act shall become effective upon signature by the governor or, if not  
19 signed by the governor, upon expiration of the time for bills to become law without signature  
20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
21 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
22 effective on the day following such approval.

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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)]

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HB 393 Original

2022 Regular Session

Landry

**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. Authorizes the

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. Limits the maximum penalty imposed by a parish governing authority for a violation of a criminal ordinance to the maximum penalty authorized for a comparable criminal offense pursuant to present law (Title 14 of the La. Revised Statutes of 1950).

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 statewide maximum penalty which may be imposed for the violation of municipal ordinances 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. Limits the maximum penalty imposed by a municipal governing authority for a violation of a criminal ordinance to the maximum penalty authorized for a comparable criminal offense pursuant to present law (Title 14 of the La. Revised Statutes of 1950).

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 33:1243(A)(1); Adds R.S. 33:1243(D) and 1377; Repeals R.S. 33:1375)