

RÉSUMÉ DIGEST

ACT 866 (HB 1038)

2026 Regular Session

Boyer

Prior law (R.S. 13:1881) provided that the marshal was the executive officer of the court and, in executing the orders and mandates of the court, making arrests, and preserving the peace, had the same powers and authority of a sheriff.

New law repeals prior law and provides that the city or ward marshal, hereafter referred to as "marshal", is considered a peace officer, rather than a sheriff, with all the powers and authority of regular law enforcement officers of the state of La. except as provided in new law. Further provides that a marshal and his deputy marshals are considered officers of a public entity for the purposes of immunity from liability as provided in existing law (R.S. 9:2793.1).

New law provides for certain enumerated powers for any marshal, along with his deputy marshals, who serve a population of 40,000 or less.

New law provides that in any declared state of emergency issued by both the governor and the local governing authority pursuant to existing law (R.S. 29:721 et seq.), the marshal and his deputy marshals have all the powers and authority of regular law enforcement officers of the state of La. during the duration of any emergency or until such declaration has ceased.

New law provides that in any permitted special event, the marshal and his deputy marshals have all of the powers and authority of regular law enforcement officers of the state of La. during the event and are required to coordinate with the local governing authority that permitted the event. Further requires the marshal and each deputy marshal to work with the local governing authority that permitted the event for coordination of law enforcement duties and responsibilities.

New law provides that nothing in new law limits the marshal or his deputy marshals from engaging in public services that include but are not limited to locksmithing, escorts for funeral processions, and duties as a traffic control officer.

New law prohibits a marshal or deputy marshal who serves a population of 40,000 or less from engaging in certain conduct unless expressly authorized by the local governing authority where the marshal has territorial jurisdiction.

New law does not prohibit a marshal or deputy marshal from requesting assistance from or coordinating with law enforcement agencies. Requires any arrest powers exercised in coordination with a law enforcement agency to be carried out solely by the authorized law enforcement agency unless otherwise provided by law.

New law provides that any marshal or deputy marshal who acts outside the scope of authority provided in new law may be held civilly liable for his actions.

New law relative to the enumerated list of powers and prohibited conduct for any marshal and his deputies who serve a population of 40,000 or less does not apply to any marshal who also serves as the chief of police for the municipality.

New law does not prohibit any local governing authority from enacting an ordinance that confers a marshal or deputy marshal with the same powers and duties as a peace officer as provided in existing law.

New law does not affect, impair, or restrict the supplemental pay that a marshal or deputy marshal is entitled to pursuant to existing law (R.S. 40:1667.1).

Existing law (R.S.40:2402) defines the term "peace officer".

New law provides that the term "peace officer" includes any deputy marshal of a marshal as provided in existing law (R.S. 13:1881).

Effective January 1, 2027.

(Amends R.S. 13:1881(A) and R.S. 40:2402(intro. para.) and (3)(b); Adds R.S. 13:1881(C)-(F))