

Regular Session, 2012

HOUSE BILL NO. 503

BY REPRESENTATIVE ARNOLD

TRAFFIC/VIOLATIONS: Provides for jurisdiction with respect to certain traffic violations

1 AN ACT

2 To amend and reenact R.S. 13:2501.1(F) and to enact R.S. 13:1337(C), 2151(E), and
3 2151.4(E), relative to courts and judicial procedure; to provide relative to the
4 jurisdiction of the Traffic Court of New Orleans and the First and Second City
5 Courts of New Orleans; to provide relative to appeals by any person aggrieved by a
6 decision concerning a traffic violation enforced by the city of New Orleans'
7 automated traffic enforcement system; to provide certain terms and conditions; and
8 to provide for related matters.

9 Notice of intention to introduce this Act has been published
10 as provided by Article III, Section 13 of the Constitution of
11 Louisiana.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 13:2501.1(F) is hereby amended and reenacted and R.S. 13:1337(C),
14 2151(E), and 2151.4(E) are hereby enacted to read as follows:

15 §1337. Appellate and supervisory jurisdiction; writs

16 * * *

17 C. The traffic court shall have exclusive appellate jurisdiction of all appeals
18 by any person aggrieved by an administrative hearing officer's decision concerning
19 a traffic violation enforced by the city of New Orleans' automated traffic
20 enforcement system. Any aggrieved person shall file such appeal within thirty days

1 after the date of such decision. The traffic court shall have de novo review over such
2 appeals. The traffic court shall adopt rules regulating the manner of taking, hearing,
3 and deciding such appeals.

4 * * *

5 §2151. Sections of first city court; election of judges; presiding judge; jurisdiction

6 * * *

7 E. The first city court shall have jurisdiction over appeals by any person
8 aggrieved by a decision of the traffic court concerning a traffic violation enforced by
9 the city of New Orleans' automated traffic enforcement system. Appeals from the
10 traffic court shall extend to the law and the facts and shall be tried upon the records
11 made and the evidence offered in court by the judge to whom the appeal shall be
12 allotted. Any aggrieved person shall file such appeal within thirty days of such
13 decision. The first city court shall adopt rules regulating the manner of taking,
14 hearing, and deciding such appeals.

15 * * *

16 §2151.4. Second city court; judge; clerk; constable; jurisdiction

17 * * *

18 E. The second city court shall have jurisdiction over appeals by any person
19 aggrieved by a decision of the traffic court concerning a traffic violation enforced by
20 the city of New Orleans' automated traffic enforcement system. Appeals from the
21 traffic court shall extend to the law and the facts and shall be tried upon the records
22 made and the evidence offered in court by the judge to whom the appeal shall be
23 allotted. Any aggrieved person shall file such appeal within thirty days of such
24 decision. The second city court shall adopt rules regulating the manner of taking,
25 hearing, and deciding such appeals.

26 * * *

27 §2501.1. Traffic Court of New Orleans

28 * * *

1 F. The jurisdiction of this court shall extend to the trial of violations of the
2 ordinances of the city of New Orleans regulating traffic within the city of New
3 Orleans. The jurisdiction of the court shall further extend to the trial of offenses
4 involving traffic and the regulation thereof punishable by state statute including
5 violations of the Criminal Code of Louisiana involving traffic and the trial of
6 violations relating to street and highway regulatory laws and such other state laws
7 as relate to the operation of a vehicle. The jurisdiction over state traffic offenses
8 shall be concurrent with the Criminal District Court for the Parish of Orleans. In
9 addition, every prosecution in the Traffic Court of New Orleans under state law shall
10 be filed in the court by affidavit or bill of information under the provision of state
11 law defining the offense and such prosecution shall be brought by the city attorney
12 of New Orleans. The jurisdiction of the court shall further extend to appeals by any
13 person aggrieved by an administrative hearing officer's decision concerning a traffic
14 violation enforced by the city of New Orleans' automated traffic enforcement system.
15 Any aggrieved person shall file such appeal within thirty days after the date of such
16 decision. The traffic court shall have de novo review over such appeals. The traffic
17 court shall adopt rules regulating the manner of taking, hearing, and deciding such
18 appeals. The traffic court shall have no other jurisdiction, and shall not have
19 jurisdiction over the trial of any state offense that now or hereafter may require a trial
20 by jury.

21 * * *

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)]

Arnold

HB No. 503

Abstract: Provides the Traffic Court of New Orleans and the First and Second City Courts of New Orleans with jurisdiction for appeals by any person aggrieved by a decision concerning a traffic violation enforced by the city of New Orleans' automated traffic enforcement system.

Present law provides for the jurisdiction of the Traffic Court of New Orleans, the First City Court of New Orleans, and the Second City Court of New Orleans.

Proposed law retains present law.

Proposed law provides that the traffic court shall have exclusive jurisdiction of appeals by any person aggrieved by an administrative hearing officer's decision concerning a traffic violation enforced by the city of New Orleans' automated traffic enforcement system.

Proposed law provides that such appeals to the traffic court shall be made within 30 days from the date of decision.

Proposed law provides that the traffic court shall have de novo review over such appeals.

Proposed law provides that the First or Second City Court of New Orleans shall have jurisdiction of appeals by any person aggrieved by a decision of the traffic court concerning a traffic violation enforced by the city of New Orleans' automated traffic enforcement system.

Proposed law provides that such appeals to the first or second city court shall be made within 30 days from the date of decision.

Proposed law provides that such appeals from the traffic court shall extend to the law and the facts and shall be tried upon the records made and the evidence offered in traffic court.

(Amends R.S. 13:2501.1(F); Adds R.S. 13:1337(C), 2151(E), and 2151.4(E))