
DIGEST

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HB 638 Engrossed

2020 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. 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.