

2026 Regular Session

HOUSE BILL NO. 1038

BY REPRESENTATIVES BOYER AND FONTENOT

1 AN ACT

2 To amend and reenact R.S. 13:1881(A) and R.S. 40:2402(introductory paragraph) and (3)(b)
3 and to enact R.S. 13:1881(C) through (F), relative to marshals; to provide relative to
4 the authority and powers of the marshal and deputy marshals; to provide for duties
5 of local governing authorities; to provide for exceptions; to provide relative to the
6 definition of "peace officer"; to provide for an effective date; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 13:1881(A) is hereby amended and reenacted and R.S. 13:1881(C)
10 through (F) are hereby enacted to read as follows:

11 A. The city or ward marshal is shall be the executive officer of the court; ~~he~~
12 and shall execute the orders and mandates of the court and in the. In the execution
13 thereof of these orders and mandates, and in making arrests and preserving the peace,
14 ~~he has the same powers and authority of a sheriff.~~ the city or ward marshal shall be
15 considered a peace officer as defined in R.S. 40:2402 with all the powers and
16 authority of regular law enforcement officers of this state except as provided in
17 Subsections C and D of this Section. The city or ward marshal and his deputy
18 marshals shall be considered officers of a public entity for the purposes of immunity
19 from liability as provided in R.S. 9:2793.1.

20 * * *

21 C.(1) Notwithstanding any provision of law to contrary, any city or ward
22 marshal who serves a population of forty thousand or less as provided in the most
23 recent federal decennial census has, along with his deputy marshals, the following
24 enumerated powers:

1 (a) Execution of attachments, bench warrants, or any other orders of arrest
2 issued by a city court within the territorial jurisdiction of the marshal.

3 (b) Detainment or the taking into custody of an individual only when
4 reasonably necessary to effectuate the service or execution of any of the following:

5 (i) Civil writs.

6 (ii) Notices of eviction.

7 (iii) Orders of seizure or attachment.

8 (iv) Any other civil process lawfully issued by a city court.

9 (c) Detainment or effecting the arrest of an individual upon order of the city
10 court for acts occurring in the city court's presence or on the grounds of the city court
11 that constitute direct contempt.

12 (d) Detainment or effecting the arrest of an individual for any violation of
13 Title 14 or 40 of the Louisiana Revised Statutes of 1950 or a local or municipal
14 ordinance in the city court's presence or on the grounds of the city court.

15 (2) In any declared state of emergency issued by both the governor and the
16 local governing authority pursuant to R.S. 29:721 et seq., the city or ward marshal
17 and his deputy marshals have all the powers and authority of regular law
18 enforcement officers of this state during the duration of any emergency or until such
19 declaration has ceased.

20 (3) In any permitted special event, the city or ward marshal shall coordinate
21 with the local governing authority that permitted the event and has all of the powers
22 and authority of regular law enforcement officers of this state during the event. The
23 city or ward marshal and each deputy marshal shall coordinate with the local
24 governing authority that permitted the event for coordination of law enforcement
25 duties and responsibilities.

26 (4) Nothing in this Subsection limits the city or ward marshal or his deputy
27 marshals from engaging in public services that include but are not limited to
28 locksmithing, escorts for funeral processions, and duties as a traffic control officer.

29 (5) This Subsection shall not apply to any marshal who also serves as the
30 chief of police for the municipality.

1 D.(1) Unless expressly authorized by the local governing authority where the
 2 city or ward marshal has territorial jurisdiction, no city or ward marshal or deputy
 3 marshal who serves a population of forty thousand or less as provided in the most
 4 recent federal decennial census shall do any of the following:

5 (a) Exercise general law enforcement authority.

6 (b) Conduct traffic stops, criminal investigations, or arrests without a warrant
 7 for alleged violations of criminal law.

8 (c) Execute arrest warrants issued by any court other than the city court of
 9 the marshal's territorial jurisdiction.

10 (d) Obtain a commission from any law enforcement agency that has primary
 11 jurisdiction over the area of the marshal's territorial jurisdiction.

12 (2) Nothing in this Subsection shall prohibit a city or ward marshal or deputy
 13 marshal from requesting assistance from or coordinating with any of the following:

14 (a) State law enforcement agencies.

15 (b) Parish sheriffs offices.

16 (c) Municipal police departments.

17 (3) Any arrest powers exercised in coordination with the law enforcement
 18 agencies described in Paragraph (2) of this Subsection shall be carried out solely by
 19 the authorized law enforcement agency unless otherwise provided by law.

20 (4) Any city or ward marshal or deputy marshal who acts outside the scope
 21 of authority provided in this Subsection may be held civilly liable for his actions.

22 (5) This Subsection shall not apply to any city or ward marshal who also
 23 serves as the chief of police for the municipality.

24 E.(1) Nothing in Subsection D of this Section shall prohibit any local
 25 governing authority from enacting an ordinance that confers a city or ward marshal
 26 or deputy marshal with the same powers and duties as a peace officer as provided in
 27 Subsection A of this Section.

28 (2) If a city marshal's jurisdiction extends into a ward, the local governing
 29 authority where the city court is domiciled shall serve as the governing authority
 30 authorized to enact an ordinance that confers a marshal or deputy marshal with the

