

2022 Regular Session

SENATE BILL NO. 300

BY SENATOR BARROW

COURTS. Authorizes the constable of Baton Rouge City Court to engage in certain law enforcement functions. (8/1/22)

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AN ACT

To enact R.S. 13:2571.2, relative to the constable for the city of Baton Rouge; to provide for duties and functions of the constable's office; to authorize the governing authority for the city of Baton Rouge to prescribe civil fines for violation of ordinances under certain conditions; to authorize the governing authority to establish an administrative adjudication hearing procedure; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:2571.2 is hereby enacted to read as follows:

§2571.2. Constable; parking violations; administrative adjudication; procedure; appeal; penalties; city of Baton Rouge

A. The city of Baton Rouge may prescribe civil fines for violation of ordinances prohibiting parking, stopping, or standing in certain areas of the municipality pursuant to the procedures for administrative adjudication provided in this Chapter.

B. The city of Baton Rouge may adopt an ordinance establishing an administrative adjudication hearing procedure, for the constable's office, under the provisions of this Chapter. Each ordinance shall provide a time period for

1 persons charged with violating a speeding, parking, stopping, or standing
2 ordinance to have a hearing under the provisions of this Chapter. The
3 ordinance shall provide for appointment of hearing officers who shall have been
4 licensed to practice law in Louisiana for five years and who shall have authority
5 to administer oaths and affirmations and to issue orders compelling the
6 attendance of witnesses and the production of documents. Any order compelling
7 the attendance of witnesses or the production of documents may be enforced by
8 the city court of the municipality, the parish court, or the district court in which
9 the municipality is located.

10 C.(1) If the ordinance provides for an instanter hearing at any time
11 within fifteen days of the alleged violation for those denying liability for the
12 violation, then the ticket or summons shall inform the person ticketed of the
13 right to and place of the instanter hearing; however, the officer issuing the
14 summons or ticket need not be present and the ticket shall be prima facie proof
15 of its contents.

16 (2) The ticket or summons shall also provide information as to the time
17 and place of an administrative adjudication hearing, at which the officer issuing
18 the summons, citation, or ticket is present. The failure of any person charged
19 with a violation to appear at the hearing shall be considered an admission of
20 liability for the charged violation. The original summons, citation, ticket, or any
21 carbon, machine, or true copy thereof is a record kept in the ordinary course
22 of business of the municipality, and shall be rebuttable proof of the facts
23 contained therein.

24 D. Any administrative adjudication hearing held under the provisions
25 of this Chapter shall be conducted in accordance with the rules of evidence of
26 the Administrative Procedure Act. Testimony by any person shall be taken
27 under oath or by affirmation. The person charged with the ordinance violation
28 may present any relevant evidence and testimony at such hearing; however, his
29 physical presence shall not be required at the hearing if documentary evidence

1 is submitted to the hearing officer prior to the date of the hearing.

2 E. The hearing officer shall issue an order stating whether or not the
3 person charged is liable for violation of the speeding, parking, stopping, or
4 standing ordinance and the amount of any fine, penalty, costs, or fee assessed
5 against him, which order may be filed with the clerk of the governing authority.
6 Any such order filed with this clerk may be enforced by immobilization of the
7 offending vehicle.

8 F. Any order or decision of the hearing officer filed under the provisions
9 of this Chapter with the clerk shall be maintained in a separate index and file.
10 These orders or decisions may be recorded utilizing computer printouts,
11 microfilm, microfiche, or other similar data processing techniques.

12 G. The ordinance shall provide for the amount and disposition of fines,
13 penalties, costs, and fees.

14 H. Any person determined by the hearing officer to be in violation of a
15 speeding, parking, stopping, or standing ordinance may appeal this
16 determination to the appropriate district court. Such appeal shall be instituted
17 by filing, within thirty days of the filing of the hearing officer's order, a petition
18 with the clerk of court for the district court along with payment of such
19 reasonable costs as may be required by the clerk. After filing a petition for
20 appeal the clerk of court of the district court shall schedule a hearing and notify
21 all parties of the date, time, and place of such hearing. Service of notice of
22 appeal under this Subsection shall not stay the enforcement and collection of the
23 judgment unless the person who files the appeal posts bond prior to filing notice
24 of appeal with the agency of the municipality designated by ordinance to accept
25 payments of violations of parking, stopping, or standing ordinances.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michael Bell.

SB 300 Original	DIGEST 2022 Regular Session	Barrow
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Proposed law authorizes the city of Baton Rouge to adopt an ordinance establishing an administrative adjudication hearing procedure for the constable's office.

Proposed law provides that the ordinance must provide a time period for persons charged with violating a speeding, parking, stopping, or standing ordinance to have a hearing.

Proposed law provides for appointment of hearing officers who must have been licensed to practice law in Louisiana for five years and who must have authority to administer oaths and affirmations and to issue orders compelling the attendance of witnesses and the production of documents.

Proposed law provides that a ticket or summons must provide information as to the time and place of an administrative adjudication hearing, at which the officer issuing the summons, citation, or ticket is present.

Proposed law provides that any person determined by the hearing officer to be in violation of a speeding, parking, stopping, or standing ordinance may appeal the determination to the appropriate district court.

Effective August 1, 2022.

(Adds R.S. 13:2571.2)