
SENATE FLOOR AMENDMENTS

2026 Regular Session

Amendments proposed by Senator Miller to Reengrossed House Bill No. 1038 by Representative Boyer

AMENDMENT NO. 1

Delete the set of Senate Committee Amendments (#3910) proposed by the Senate Committee on Judiciary B and adopted by the Senate on May 19, 2026.

AMENDMENT NO. 2

On page 1, line 2, after "reenact" delete "R.S. 13:1881(B)" and insert "R.S. 13:1881(A) and R.S. 40:2402(introductory paragraph) and (3)(b) and to enact R.S. 13:1881(C) through (F)"

AMENDMENT NO. 3

On page 1, delete lines 3 and 4, and insert the following:

"authority and powers of the marshal and deputy marshals; to provide for duties of local governing authorities; to provide for exceptions; to provide relative to the definition of "peace officer"; to provide for an effective date; and to provide for related"

AMENDMENT NO. 4

On page 1, delete lines 7 through 20, delete page 2, and insert the following:

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

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

* * *

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

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

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

(i) Civil writs.

(ii) Notices of eviction.

(iii) Orders of seizure or attachment.

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

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

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

(2) In any declared state of emergency issued by both the governor and the local governing authority pursuant to R.S. 29:721 et seq., the city or ward marshal

1 and his deputy marshals have all the powers and authority of regular law
2 enforcement officers of this state during the duration of any emergency or until such
3 declaration has ceased.

4 (3) In any permitted special event, the city or ward marshal shall coordinate
5 with the local governing authority that permitted the event and has all of the powers
6 and authority of regular law enforcement officers of this state during the event. The
7 city or ward marshal and each deputy marshal shall coordinate with the local
8 governing authority that permitted the event for coordination of law enforcement
9 duties and responsibilities.

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

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

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

19 (a) Exercise general law enforcement authority.

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

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

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

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

28 (a) State law enforcement agencies.

29 (b) Parish sheriffs offices.

30 (c) Municipal police departments.

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

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

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

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

42 (2) If a city marshal's jurisdiction extends into a ward, the local governing
43 authority where the city court is domiciled shall serve as the governing authority
44 authorized to enact an ordinance that confers a marshal or deputy marshal with the
45 same powers and duties as a peace officer as provided in Subsection A of this
46 Section.

47 F. Nothing in this Section shall affect, impair, or restrict the supplemental
48 pay that a city or ward marshal or deputy marshal shall be entitled to pursuant to R.S.
49 40:1667.1.

50 Section 2. R.S.40:2402(introductory paragraph) and (3)(b) are hereby amended and
51 reenacted to read as follows:

52 §2402. Definitions

53 As used in this Chapter, the following terms have the following meanings:

54 * * *

55 (3) * * *

56 (b)(i) "Peace officer" shall also include those sheriff's deputies whose duties
57 include the care, custody, and control of inmates.

58 (ii) "Peace officer" shall also include any deputy marshal of a city or ward
59 marshal as provided in R.S. 13:1881.

60 * * *

1 Section 3. This Act shall become effective on January 1, 2027."