

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 1038

2026 Regular Session

Boyer

LAW ENFORCEMENT: Provides relative to the authority of a marshal to issue commissions to deputy marshals

Synopsis of Senate Amendments

1. Removes proposed law relative to approval of the local governing authority to issue deputy marshal commissions.
2. Removes proposed law relative to payment of premiums for liability insurance and healthcare insurance.
3. Modifies present law to provide that the city or ward marshal has the same powers and authorities of a peace officer, rather than a sheriff.
4. Provides that qualified immunity as provided in present law (R.S. 9:2793.1) applies to the city or ward marshal and his deputy marshals.
5. Provides for an enumerated list of powers for any city or ward marshal and his deputies who serve a population of 40,000 or less.
6. Provides that the city or ward marshal and his deputy marshals have all the powers and authority of regular law enforcement officers of the state of La. as follows:
 - (a) In any declared state of emergency issued by both the governor and the local governing authority pursuant to present law (R.S. 29:721 et seq.) and either during the duration of any emergency or until such declaration has ceased.
 - (b) In any permitted special event.
7. Requires the city or ward marshal to coordinate law enforcement duties and responsibilities with the local governing authority that permitted the event.
8. Provides that the city or ward marshal or his deputy marshals are not limited from engaging in public services that include but are not limited to locksmithing, escorts for funeral processions, and duties as a traffic control officer.
9. Provides that the enumerated list of powers and prohibited conduct for any city or ward marshal and his deputies who serve a population of 40,000 or less does not apply to any marshal who also serves as the chief of police for the municipality.
10. Prohibits certain actions for any city or ward marshal and his deputies who serve a population of 40,000 unless expressly authorized by the local governing authority where the city or ward marshal has territorial jurisdiction.
11. Provides that a city or ward marshal or deputy marshal is not prohibited from requesting assistance from or coordinating with any law enforcement agencies, but requires that any arrest powers exercised in coordination with law enforcement be carried out solely by the authorized law enforcement agency unless otherwise provided by law.

12. Provides civil liability for any city or ward marshal or deputy marshal who acts outside the scope of authority provided in proposed law.
13. Provides that nothing in proposed law prohibits any local governing authority from enacting an ordinance that confers a city or ward marshal or deputy marshal with the same powers and duties as a peace officer.

Digest of Bill as Finally Passed by Senate

Present law (R.S. 13:1881) provides that the marshal is the executive officer of the court and, in executing the orders and mandates of the court, making arrests, and preserving the peace, has the same powers and authority of a sheriff.

Proposed law amends present law to provide that the city or ward marshal, hereafter referred to as "marshal", is considered a peace officer, rather than a sheriff, with all the powers and authority of regular law enforcement officers of the state of La. except as provided in proposed law. Further provides that a marshal and his deputy marshals are considered officers of a public entity for the purposes of immunity from liability as provided in present law (R.S. 9:2793.1).

Proposed law provides for certain enumerated powers for any marshal, along with his deputy marshals, who serve a population of 40,000 or less.

Proposed law provides that in any declared state of emergency issued by both the governor and the local governing authority pursuant to present law (R.S. 29:721 et seq.), the marshal and his deputy marshals have all the powers and authority of regular law enforcement officers of the state of La. during the duration of any emergency or until such declaration has ceased.

Proposed law provides that in any permitted special event, the marshal and his deputy marshals have all of the powers and authority of regular law enforcement officers of the state of La. during the event and are required to coordinate with the local governing authority that permitted the event. Further requires the marshal and each deputy marshal to work with the local governing authority that permitted the event for coordination of law enforcement duties and responsibilities.

Proposed law provides that nothing in proposed law limits the marshal or his deputy marshals from engaging in public services that include but are not limited to locksmithing, escorts for funeral processions, and duties as a traffic control officer.

Proposed law prohibits a marshal or deputy marshal who serves a population of 40,000 or less from engaging in certain conduct unless expressly authorized by the local governing authority where the marshal has territorial jurisdiction.

Proposed law does not prohibit a marshal or deputy marshal from requesting assistance from or coordinating with law enforcement agencies. Requires any arrest powers exercised in coordination with a law enforcement agency to be carried out solely by the authorized law enforcement agency unless otherwise provided by law.

Proposed law provides that any marshal or deputy marshal who acts outside the scope of authority provided in proposed law may be held civilly liable for his actions.

Proposed law relative to the enumerated list of powers and prohibited conduct for any marshal and his deputies who serve a population of 40,000 or less does not apply to any marshal who also serves as the chief of police for the municipality.

Proposed law does not prohibit any local governing authority from enacting an ordinance that

confers a marshal or deputy marshal with the same powers and duties as a peace officer as provided in present law.

Proposed law does not affect, impair, or restrict the supplemental pay that a marshal or deputy marshal is entitled to pursuant to present law (R.S. 40:1667.1).

Present law (R.S.40:2402) defines the term "peace officer".

Proposed law generally retains present law and provides that the term "peace officer" includes any deputy marshal of a marshal as provided in present law (R.S. 13:1881).

Effective Jan. 1, 2027.

(Amends R.S. 13:1881(A) and R.S. 40:2402(intro. para.) and (3)(b); Adds R.S. 13:1881(C)-(F))