

2015 Regular Session

HOUSE BILL NO. 717

BY REPRESENTATIVES SMITH AND ST. GERMAIN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LOCAL GOVERNMENT: Prohibits parishes and municipalities from enacting certain ordinances with respect to emergency services provided to victims of domestic abuse and other crimes

1 AN ACT

2 To enact Chapter 48 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 33:9701, relative to parish and municipal ordinances; to provide relative to
4 ordinances enacted with respect to emergency services provided to victims of
5 domestic abuse and other crimes; to prohibit parishes and municipalities from
6 enacting certain ordinances with respect to such victims and the landlords of such
7 victims; to provide for remedies for wrongful actions taken against such victims and
8 landlords; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Chapter 48 of Title 33 of the Louisiana Revised Statutes of 1950,
11 comprised of R.S. 33:9701, is hereby enacted to read as follows:

12 CHAPTER 48. ENSURING ACCESS TO EMERGENCY SERVICES FOR

13 VICTIMS OF DOMESTIC ABUSE AND OTHER CRIMES

14 §9701. Ensuring access to emergency services for victims of domestic abuse and
15 other crimes; parishes and municipalities; prohibited ordinances

16 A. This Chapter shall be known and may be cited as the "Ensuring Access
17 to Emergency Services for Victims of Domestic Abuse and other Crimes Act".

18 B.(1) The legislature hereby finds and declares that an increasing number of
19 citizens of the state of Louisiana are becoming victims of crime, particularly

1 domestic abuse, and that the trauma of repeated victimization can produce family
2 disharmony, promote a pattern of escalating violence, and create an emotional
3 atmosphere that is not conducive to healthy living.

4 (2) The legislature also finds that it is necessary to support the efforts of
5 crime victims in seeking the assistance of law enforcement and other emergency
6 officials so that crime victims do not refrain from contacting such officials due to the
7 fear of retaliation, including financial penalties and the loss of accessible housing.

8 (3) The legislature finds it necessary to prohibit parishes and municipalities
9 in the state from enacting ordinances that discourage crime victims from contacting
10 law enforcement or other emergency officials for needed assistance.

11 C. As used in this Section, the following words and phrases shall have the
12 meaning ascribed to them in this Subsection, except as otherwise may be provided
13 or unless a different meaning is plainly required by the context:

14 (1) "Crime" means an act or omission to act as provided in R.S. 46:1805.

15 (2) "Domestic abuse" has the same meaning as provided in R.S. 46:2132.

16 (3) "Penalty" means a charge, fine, fee, or other monetary assessment.

17 D. Notwithstanding any other provision of law to the contrary, no parish or
18 municipality shall enact any ordinance that imposes a penalty on any person for
19 contacting law enforcement or other emergency officials to request assistance with
20 an incident involving domestic abuse or any other crime in which such person, or
21 other persons, suffered a property loss, personal injury, or death or had a reasonable
22 belief that assistance was needed in order to prevent property loss, personal injury,
23 or death.

24 E. Notwithstanding any other provision of law to the contrary, no parish or
25 municipality shall enact any ordinance that imposes a penalty on any property owner
26 of a leased premise if a tenant of the property owner, or someone acting on behalf
27 of the tenant, contacts law enforcement or other emergency officials to request
28 assistance at such leased premise with an incident involving domestic abuse or any
29 other crime in which such tenant, or other persons, suffered a property loss, personal

1 injury, or death or had a reasonable belief that assistance was needed in order to
2 prevent property loss, personal injury, or death.

3 F. Notwithstanding any other provision of law to the contrary, no parish or
4 municipality shall adopt any ordinance that authorizes the eviction of a tenant by a
5 property owner of a leased premise or the termination or suspension of a rental
6 agreement signed by a tenant as result of such tenant, or persons acting on behalf of
7 such tenant, contacting law enforcement or other emergency officials to request
8 assistance at such leased premise with an incident involving domestic abuse or any
9 other crime in which such tenant, or other persons, suffered a property loss, personal
10 injury, or death or had a reasonable belief that assistance was needed in order to
11 prevent property loss, personal injury, or death.

12 G. If a parish or municipality takes action against any person pursuant to an
13 ordinance enacted in violation of this Section, such person may bring a civil action
14 and seek an order from a court of competent jurisdiction for any of the following
15 remedies:

16 (1) An order requiring the parish or municipality to cease and desist the
17 unlawful action.

18 (2) Payment of compensatory damages, provided that such person shall make
19 a reasonable effort to mitigate any damages.

20 (3) Payment of court costs.

21 (4) Other equitable relief.

22 Section 2. The provisions of this Act shall be given prospective application only and
23 shall not be deemed nor construed to preempt, supersede, repeal, or otherwise affect any
24 ordinance of a parish or municipality that was adopted prior to the effective date of this Act.

25 Section 3. This Act shall become effective upon signature by the governor or, if not
26 signed by the governor, upon expiration of the time for bills to become law without signature
27 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
28 vetoed by the governor and subsequently approved by the legislature, this Act shall become
29 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 717 Reengrossed

2015 Regular Session

Smith

Abstract: Prohibits parishes and municipalities from enacting certain ordinances with respect to victims of domestic abuse and other crimes who request the assistance of law enforcement and other emergency officials.

Proposed law prohibits a parish or municipality from enacting ordinances that impose penalties on persons who are victims of domestic abuse or other crimes for contacting law enforcement or other emergency officials to request assistance. Prohibits a parish or municipality from enacting ordinances that impose penalties on any other person who contacts law enforcement or other emergency officials on behalf of someone else if the person had a reasonable belief that assistance was needed to prevent a property loss, personal injury, or death.

Proposed law prohibits a parish or municipality from enacting ordinances that impose penalties on property owners whose tenants, or persons acting on behalf of the tenants, contact law enforcement or other emergency officials to request assistance with a domestic abuse incident or other crime.

Proposed law defines a "penalty" as a charge, fine, fee, or other monetary assessment.

Proposed law prohibits a parish or municipality from enacting ordinances that authorize the eviction of a tenant or the termination or suspension of a rental agreement signed by a tenant as result of the tenant, or someone acting on behalf of the tenant, contacting law enforcement or other emergency officials to request assistance with a domestic abuse incident or other crime.

Proposed law grants any person the right to bring a civil action against any parish or municipality if the parish or municipality takes action against such person pursuant to an ordinance enacted in violation of proposed law. Provides for remedies from a court of competent jurisdiction.

Requires that the provisions of proposed law be given prospective application only and not be deemed to affect any ordinance adopted prior to the effective date of proposed law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 33:9701)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Add provision that proposed law be given prospective application only and not be deemed to affect any ordinance adopted prior to the effective date of proposed law.