

ACT No. 353

2015 Regular Session

HOUSE BILL NO. 717

BY REPRESENTATIVES SMITH AND ST. GERMAIN

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

23 (2) The legislature also finds that it is necessary to support the efforts of
24 crime victims in seeking the assistance of law enforcement and other emergency

1 officials so that crime victims do not refrain from contacting such officials due to the
 2 fear of retaliation, including financial penalties and the loss of accessible housing.

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

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

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

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

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

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

19 E. Notwithstanding any other provision of law to the contrary, no parish or
 20 municipality shall enact any ordinance that imposes a penalty on any property owner
 21 of a leased premise if a tenant of the property owner, or someone acting on behalf
 22 of the tenant, contacts law enforcement or other emergency officials to request
 23 assistance at such leased premise with an incident involving domestic abuse or any
 24 other crime in which such tenant, or other persons, suffered a property loss, personal
 25 injury, or death or had a reasonable belief that assistance was needed in order to
 26 prevent property loss, personal injury, or death.

27 F. Notwithstanding any other provision of law to the contrary, no parish or
 28 municipality shall adopt any ordinance that authorizes the eviction of a tenant by a
 29 property owner of a leased premise or the termination or suspension of a rental
 30 agreement signed by a tenant as result of such tenant, or persons acting on behalf of

1 such tenant, contacting law enforcement or other emergency officials to request
2 assistance at such leased premise with an incident involving domestic abuse or any
3 other crime in which such tenant, or other persons, suffered a property loss, personal
4 injury, or death or had a reasonable belief that assistance was needed in order to
5 prevent property loss, personal injury, or death.

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

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

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

14 (3) Payment of court costs.

15 (4) Other equitable relief.

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____