

Regular Session, 2010

HOUSE BILL NO. 634

BY REPRESENTATIVE BARROW

COURTS/MAYORS: Restricts the authority of the mayor as to the length of the probationary period he may impose for violation of a municipal ordinance

1 AN ACT

2 To amend and reenact R.S. 33:441(A)(2) and to repeal R.S. 33:441(A)(3), relative to  
3 mayors' courts; to clarify that the probationary period a mayor is authorized to  
4 impose cannot exceed sixty days or the maximum penalty of imprisonment that may  
5 be imposed for violation of the municipal ordinance; and to provide for related  
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 33:441(A)(2) is hereby amended and reenacted to read as follows:

9 §441. Mayor's court

10 A.

11 \* \* \*

12 (2) The Notwithstanding any other provision of law to the contrary, when a  
13 defendant has been convicted of a violation of a municipal ordinance, the mayor may  
14 suspend the execution in whole or in part of a fine or imprisonment, or both, imposed  
15 for the violation of a municipal ordinance and place the defendant on unsupervised  
16 or supervised probation with such conditions as the mayor may fix and, at any time  
17 during the probation, modify, add, or discharge. The probation shall be for a period  
18 as the mayor shall specify up to ~~one year~~ sixty days, but in no case shall the  
19 probationary period imposed exceed the maximum penalty of imprisonment that may  
20 be imposed for violation of the particular ordinance. The mayor may terminate or

1 revoke the probation at any time. At the termination of the probation, the mayor may  
2 set the conviction aside and dismiss the prosecution.

3 \* \* \*

4 Section 2. R.S. 33:441(A)(3) is hereby repealed in its entirety.

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)]

Barrow

HB No. 634

**Abstract:** Clarifies that the probationary period that a mayor may impose for violation of a municipal ordinance shall not exceed 60 days or the maximum penalty of imprisonment that may be imposed for violation of that ordinance.

Present law authorizes a mayor to suspend the execution in whole or in part of a fine or imprisonment, or both, for a violation of a municipal ordinance and place the defendant on unsupervised or supervised probation under specified terms.

Proposed law retains present law.

Present law provides that the probation shall be for a period as the mayor shall specify, not to exceed one year.

Proposed law provides that the probation shall be for a period as the mayor shall specify up to 60 days, but in no case shall the probationary period imposed exceed the maximum penalty of the imprisonment that may be imposed for violation of that ordinance.

Proposed law repeals provisions of present law which provide that when a defendant has been convicted of violation of a municipal ordinance, the mayor may suspend the imposition or the execution of the sentence and place the defendant on probation for a period of six months or such shorter period as the mayor may specify that may be imposed for violation of a particular ordinance.

(Amends R.S. 33:441(A)(2); Repeals R.S. 33:441(A)(3))