Regular Session, 2010

ENROLLED ACT NO. 610

HOUSE BILL NO. 951

BY REPRESENTATIVES BILLIOT, GISCLAIR, HENRY, LABRUZZO, AND LIGI AND SENATORS APPEL, MARTINY, AND MORRELL

1	AN ACT
2	To amend and reenact Part VII of Chapter 14 of Title 33 of the Louisiana Revised Statutes
3	of 1950, to be comprised of R.S. 33:4890 and 4891 and R.S. 44:4.1(B)(18), relative
4	to privileged communications made to code enforcement officers; to provide for the
5	exercise of police powers by a parish; to provide a privilege for communications
6	made to certain code enforcement officers; to exempt certain communications from
7	the privilege; to provide restrictions on such privilege; to provide definitions; to
8	provide a public records exception for such privileged communications; and to
9	provide for related matters.
10	Be it enacted by the Legislature of Louisiana:
11	Section 1. Part VII of Chapter 14 of Title 33 of the Louisiana Revised Statutes of
12	1950, comprised of R.S. 33:4890 and 4891, is hereby amended and reenacted to read as
13	follows:
14	PART VII. CONCURRENT EXERCISE OF THE POLICE POWER AND CERTAIN
15	PRIVILEGED COMMUNICATIONS
16	\$4890. Police power confirmed; concurrent exercise of the police power by state
17	and local government
18	The delegation of police power to all incorporated municipalities and
19	parishes, whether pursuant to the provisions of this Chapter, or of other general or
20	special laws, powers granted in their charters, home rule plans of government, or any
21	other authority or grant of the police power and the concurrent exercise thereof is
22	confirmed.

1	<u>§4891. Privileged communications to code enforcement officers</u>
2	A. As used in this Section, the following terms shall have the following
3	meanings unless the context clearly requires otherwise:
4	(1) "Code enforcement officer" shall mean any employee of a local
5	governmental subdivision or any of its districts, agencies, or departments who is
6	authorized to make inspections, issue violation notices or summonses, or who is
7	otherwise authorized to enforce the ordinances of the local governmental
8	subdivision, including animal control officers. The term "code enforcement officer"
9	shall not include building or zoning inspectors.
10	(2) "Hotline" or "call center" means a method or system created or
11	established to accept any form of communication whether telephonic, electronic,
12	oral, or written for the purposes of providing citizens of the local governmental
13	subdivision a means to report or provide information relating to alleged local code
14	violations except local code violations enforced by building or zoning inspectors.
15	(3) "Privileged communication" means an oral or written statement
16	submitted to a code enforcement officer or hotline for the purpose of reporting
17	alleged local code violations.
18	B. In connection with any code enforcement case or proceeding, no person
19	shall be required to disclose by way of discovery, testimony, public record request,
20	or otherwise a privileged communication, or be required to produce under subpoena
21	or otherwise any records, documentary evidence, opinions, or decisions relating to
22	such privileged communication.
23	C. The privilege shall cease only:
24	(1) Upon the person who reported the alleged violation voluntarily disclosing
25	or consenting to disclosure of any significant part of the privileged matter.
26	(2) When the person who reported the alleged violation testifies or is
27	compelled to testify on behalf of the local government on the matter.
28	(3) Upon motion of any person arrested or charged with a code violation who
29	petitions the court or adjudication hearing officer for an in-camera inspection of the
30	records of a privileged communication concerning such person. The motion shall

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1	allege facts showing that such records would provide evidence favorable to the
2	defendant and relevant to the issue of the adjudication of the code violation. If the
3	court or adjudication hearing officer determines that the person is entitled to all or
4	any part of such records, it may order production and disclosure as it deems
5	appropriate based upon a finding that it contains exculpatory evidence.
6	Section 2. R.S. 44:4.1(B)(18) is hereby amended and reenacted to read as follows:
7	§4.1. Exceptions
8	* * *
9	B. The legislature further recognizes that there exist exceptions, exemptions,
10	and limitations to the laws pertaining to public records throughout the revised
11	statutes and codes of this state. Therefore, the following exceptions, exemptions, and
12	limitations are hereby continued in effect by incorporation into this Chapter by
13	citation:
14	* * *
15	(18) R.S. 33:1334, 2182, 2428, 4720.151, <u>4891,</u> 9109, 9128
16	* * *
17	Section 3. This Act shall become effective upon signature by the governor or, if not
18	signed by the governor, upon expiration of the time for bills to become law without signature
19	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
20	vetoed by the governor and subsequently approved by the legislature, this Act shall become
21	effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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