

Regular Session, 2010

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 §4891. Privileged communications to code enforcement officers

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

