

Regular Session, 2012

SENATE BILL NO. 174

BY SENATOR MORRELL

COURTS. Provides relative to appeals by persons from traffic violations enforced by the city of New Orleans' automated traffic enforcement system. (8/1/12)

1 AN ACT

2 To amend and reenact R.S. 13:2501.1(F) and to enact R.S. 13:1337(C), 2151(E) and

3 2151.4(E), relative to courts and judicial procedure; to provide relative to the

4 jurisdiction of the Traffic Court of New Orleans and the First and Second City

5 Courts of New Orleans; to provide relative to appeals by any person aggrieved by a

6 decision concerning a traffic violation enforced by the city of New Orleans'

7 automated traffic enforcement system; to provide certain terms and conditions; and

8 to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 13:2501.1(F) is hereby amended and reenacted and R.S. 13:1337(C)

11 2151(E) and 2151.4(E) are hereby enacted to read as follows:

12 §1337. Appellate and supervisory jurisdiction; writs

13 * * *

14 C. The Traffic Court of New Orleans shall have exclusive appellate

15 jurisdiction of all appeals by any person aggrieved by an administrative hearing

16 officer's decision concerning a traffic violation enforced by the city of New

17 Orleans' automated traffic enforcement system. Any aggrieved person shall file

1 ordinances of the city of New Orleans regulating traffic within the city of New
 2 Orleans. The jurisdiction of the court shall further extend to the trial of offenses
 3 involving traffic and the regulation thereof punishable by state statute including
 4 violations of the Criminal Code of Louisiana involving traffic and the trial of
 5 violations relating to street and highway regulatory laws and such other state laws
 6 as relate to the operation of a vehicle. The jurisdiction over state traffic offenses shall
 7 be concurrent with the Criminal District Court for the Parish of Orleans. In addition,
 8 every prosecution in the Traffic Court of New Orleans under state law shall be filed
 9 in the court by affidavit or bill of information under the provision of state law
 10 defining the offense and such prosecution shall be brought by the city attorney of
 11 New Orleans. **The jurisdiction of the court shall further extend to appeals by**
 12 **any person aggrieved by an administrative hearing officer's decision concerning**
 13 **a traffic violation enforced by the city of New Orleans' automated traffic**
 14 **enforcement system. Any aggrieved person shall file such appeal within thirty**
 15 **days after the date of such decision. The traffic court shall have de novo review**
 16 **over such appeals. The traffic court shall adopt rules regulating the manner of**
 17 **taking, hearing, and deciding such appeals.** The traffic court shall have no other
 18 jurisdiction, and shall not have jurisdiction over the trial of any state offense that
 19 now or hereafter may require a trial by jury.

20 * * *

The original instrument was prepared by Sharon F. Lyles. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cathy Wells.

DIGEST

Morrell (SB 174)

Present law provides for the jurisdiction of the Traffic Court of New Orleans, the First City Court of New Orleans and the Second City Court of New Orleans.

Proposed law retains present law.

Proposed law provides that the traffic court shall have exclusive jurisdiction of appeals by any person aggrieved by an administrative hearing officer's decision concerning a traffic violation enforced by the city of New Orleans' automated traffic enforcement system.

Proposed law provides that such appeals to the traffic court shall be made within 30 days

from the date of decision.

Proposed law provides that the traffic court shall have de novo review over such appeals.

Proposed law provides that the First or Second City Court of New Orleans shall have jurisdiction of appeals by any person aggrieved by a decision of the traffic court concerning a traffic violation enforced by the city of New Orleans' automated traffic enforcement system. Proposed law limits the city court's review to alleged errors of law.

Proposed law provides that such appeals to the first or second city court shall be made within 30 days from the date of decision.

Proposed law provides that such appeals from the traffic court shall be on the law and the facts and shall be tried upon the records made and the evidence offered in traffic court.

Effective August 1, 2012.

(Amends R.S. 13:2501.1(F); adds R.S. 13:1337(C), 2151(E) and 2151.4(E))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill.

1. Removes proposed law authority for city courts to review alleged errors of fact.