

DeQuincy, Louisiana
January 18, 2011

The Council of the City of DeQuincy met in special public session at 5:30 o'clock p.m. on January 18, 2011, at the regular meeting place of the Council of the City of DeQuincy, the City Hall, 300 Holly Street, DeQuincy, Louisiana, with Andrea Coleman, Chair, presiding, and the following members present: Andrea Coleman, Ronda Jacobs, Judy Landry, Denise Maddox, and Mark Peloquin

ABSENT: None

The meeting was called to order and the roll called with the above result.

The Chair of the City Council stated that one of the purposes of the meeting was to consider adoption of an ordinance to amend the Criminal Code and related provisions of the Code of Ordinances; and, thereupon the following Ordinance was presented, having first been introduced on December 13, 2010, and after a public hearing previously held on January 10, 2011, it was adopted by the following vote:

YEAS: Andrea Coleman, Ronda Jacobs, Judy Landry, Denise Maddox, and Mark Peloquin

NAYS: None

ABSENT: None

As evidenced hereinbelow, the Ordinance was approved and signed by the Council Chair, attested by the Clerk of Council, approved and signed by the Mayor, attested by the City Clerk, and provides as follows:

ORDINANCE NO. _____

TO AMEND AND REENACT A CRIMINAL CODE FOR THE CITY OF DEQUINCY TO REGULATE OR PROHIBIT CERTAIN ACTIVITIES; TO PROVIDE PENALTIES FOR VIOLATION OF SUCH REGULATIONS OR PROHIBITIONS; TO PROVIDE FOR THE EFFECTIVENESS OF THIS ORDINANCE TO PRIOR ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR RELATED MATTERS.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF DEQUINCY, LOUISIANA, that:

Section 1. Chapter 14 (Offenses-Miscellaneous) of the Code of Ordinances is hereby amended and reenacted to read as follows (with all provisions not replicated herein repealed hereby):

CHAPTER 14 (OFFENSES – MISCELLANEOUS)

ARTICLE I. CRIMINAL CODE

PART I. GENERAL PROVISIONS

§1. Citation (Source: R.S. 14:1)

This Code may be cited as the DeQuincy Criminal Code.

§2. Definitions (Source: R.S. 14:2)

In this Code, the terms enumerated shall have the designated meanings:

(1) "Another" refers to any other person or legal entity, including the municipality or any subdivision thereof.

(2) "Anything of value" must be given the broadest possible construction, including any conceivable thing of the slightest value, movable or immovable, corporeal or incorporeal, public or private, and including transportation, telephone and telegraph services, or any other service available for hire. It must be construed in the broad popular sense of the phrase, not necessarily as synonymous with the traditional legal term "property." In all cases involving shoplifting the term "value" is the actual retail price of the property at the time of the offense.

(3) "Dangerous weapon" includes any gas, liquid, or other substance or instrumentality, which, in the manner used, is calculated or likely to produce death or great bodily harm.

(4) "Foreseeable" refers to that which ordinarily would be anticipated by a human being of average reasonable intelligence and perception.

(5) "Municipality" means the City of DeQuincy, or any agency, board, commission, department, or institution of the City; "City" means the Municipality.

(6) "Person" includes a human being from the moment of fertilization and implantation and also includes a body of persons, whether incorporated or not.

(7) "Property" refers to both public and private property, movable and immovable, and corporeal and incorporeal property.

(8) "Public officer," "public office," "public employee" or "position of public authority" means and applies to any executive, ministerial, administrative, judicial, or legislative officer, office, employee, or position of authority respectively, of the state or any parish, municipality, district, or other political subdivision thereof, or of any agency, board, commission, department or institution of said state, parish, municipality, district, or other political subdivision.

(9) "Whoever" in a penalty clause refers only to natural persons insofar as death or imprisonment is provided, but insofar as a fine may be imposed "whoever" in a penalty clause refers to any person.

§3. Interpretation (Source: R.S. 14:3)

The sections of this Code cannot be extended by analogy so as to create offenses not provided for herein. However, in order to promote justice and to effect the objects of the law, all of its provisions shall be given a genuine construction, according to the fair import of their words, taken in their usual sense, in connection with the context, and with reference to the purpose of the provisions.

§4. Conduct prohibited under several sections; how prosecuted (Source: R.S. 14:4)

Prosecution may proceed under either provision, in the discretion of the prosecuting attorney, whenever an offender's conduct is:

(1) Prohibited according to a general or special section of this Code; or

(2) Prohibited according to a section of this Code and also according to some other ordinance.

§5. Lesser and included offenses (Source: R.S. 14:5)

An offender who commits an offense which includes all the elements of other lesser offenses, may be prosecuted for and convicted of either the greater offense or one of the lesser and included offenses. In such case, where the offender is prosecuted for the greater offense, he may be convicted of any one of the lesser and included offenses.

§6. General penalty

A. Whenever an act is prohibited or is made or declared to be unlawful or an offense, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where there is no specific penalty provided therefor, the violation shall be punished by a fine not exceeding five hundred dollars, imprisonment for not more than sixty days, or both, for each offense.

B. Unless otherwise specifically provided in this Code, each day that any violation of this Code continues shall constitute a separate offense.

C. Any person who shall aid, abet, or assist in the violation of any provision of this Code shall be punished as provided in this Section.

D. Nothing in this code shall affect any civil remedy afforded the City by the law, or any legal power to inflict penalties for contempt.

PART II. ELEMENTS OF OFFENSES

§7. Offense defined

An offense is that conduct which is defined as criminal in this Code.

§8. Criminal conduct (Source: R.S. 14:8)

Criminal conduct consists of:

(1) An act or a failure to act that produces criminal consequences, and which is combined with criminal intent; or

(2) A mere act or failure to act that produces criminal consequences, where there is no requirement of criminal intent; or

(3) Criminal negligence that produces criminal consequences.

§9. Criminal consequences (Source: R.S. 14:9)

Criminal consequences are any set of consequences prescribed in the various sections of this Code or in other ordinances as necessary to constitute any of the various offenses defined therein.

§10. Criminal intent (Source: R.S. 14:10)

Criminal intent may be specific or general:

(1) Specific criminal intent is that state of mind which exists when the circumstances indicate that the offender actively desired the prescribed criminal consequences to follow his act or failure to act.

(2) General criminal intent is present whenever there is specific intent, and also when the circumstances indicate that the offender, in the ordinary course of human experience, must have adverted to the prescribed criminal consequences as reasonable certain to result from his act or failure to act.

§11. Criminal intent; how expressed (Source: R.S. 14:11)

The definitions of some offenses require a specific criminal intent, while in others no intent is required. Some offenses consist merely of criminal negligence that produces criminal consequences. However, in the absence of qualifying provisions, the terms "intent" and "intentional" have reference to "general criminal intent."

§12. Criminal negligence (Source: R.S. 14:12)

Criminal negligence exists when, although neither specific nor general criminal intent is present, there is such disregard of the interest of others that the offender's conduct amounts to a gross deviation below the standard of care expected to be maintained by a reasonably careful man under like circumstances.

PART III. CULPABILITY

§14. Insanity (Source: R.S. 14:14)

If the circumstances indicate that because of a mental disease or mental defect the offender was incapable of distinguishing between right and wrong with reference to the conduct in question, the offender shall be exempt from responsibility.

§15. Intoxication (Source: R.S. 14:15)

The fact of an intoxicated or drugged condition of the offender at the time of the commission of the offense is immaterial, except as follows:

- (1) Where the production of the intoxicated or drugged condition has been involuntary, and the circumstances indicate this condition is the direct cause of the commission of the offense, the offender is exempt from responsibility.
- (2) Where the circumstances indicate that an intoxicated or drugged condition has precluded the presence of a specific intent or of special knowledge required in a particular offense, this fact constitutes a defense to a prosecution for that offense.

§16. Mistake of fact (Source: R.S. 14:16)

Unless there is a provision to the contrary in the definition of an offense, reasonable ignorance of fact or mistake of fact which precludes the presence of any mental element required in that offense is a defense to any prosecution for that offense.

§17. Mistake of ordinance (Source: R.S. 14:17)

Ignorance of any provision of this Code or of any other ordinance is not a defense to any prosecution. However, mistake of ordinance which results in the lack of an intention is a defense to a prosecution under the following circumstances:

- (1) Where the offender reasonably relied on ordinance in repealing an existing provision, or in otherwise purporting to make the offender's conduct lawful; or
- (2) Where the offender reasonably relied on a final judgment of a competent court of last resort that a provision making the conduct in question criminal was unconstitutional.

§18. Justification; general provisions (Source: R.S. 14:18)

The fact that an offender's conduct is justifiable shall constitute a defense to prosecution for any offense based on that conduct. This defense of justification can be claimed under the following circumstances:

- (1) When the offender's conduct is an apparently authorized and reasonable fulfillment of any duties of public office; or
- (2) When the offender's conduct is a reasonable accomplishment of an arrest which is lawful; or
- (3) When for any reason the offender's conduct is authorized by law or ordinance; or
- (4) When the offender's conduct is reasonable discipline of minors by their parents, tutors, or teachers; or
- (5) When the offense consists of a failure to perform an affirmative duty and the failure to perform is caused by physical impossibility; or
- (6) When any offense is committed through the compulsion of threats by another of death or great bodily harm, and the offender reasonably believes the person making the threats is present and would immediately carry out the threats if the offense were not committed; or
- (7) When the offender's conduct is in defense of persons or of property under any of the circumstances described in Sections 19 through 22.

§19. Use of force or violence in defense (Source: R.S. 14:19)

A. The use of force or violence upon the person of another is justifiable, when committed for the purpose of preventing a forcible offense against the person or a forcible offense or trespass against property in a person's lawful possession; provided that the force or violence used must be reasonable and apparently necessary to prevent such offense and that this Section shall not apply where the force or violence results in a homicide.

B. For the purposes of this Section, there shall be a presumption that a person lawfully inside a dwelling, place of business, or motor vehicle held a reasonable belief that the use of force or violence was necessary to prevent unlawful entry thereto, or to compel an unlawful intruder to leave the premises or motor vehicle, if both of the following occur:

(1) The person against whom the force or violence was used was in the process of unlawfully and forcibly entering or had unlawfully and forcibly entered the dwelling, place of business, or motor vehicle.

(2) The person who used force or violence knew or had reason to believe that an unlawful and forcible entry was occurring or had occurred.

C. A person who is not engaged in unlawful activity and who is in a place where he or she has a right to be shall have no duty to retreat before using force or violence as provided for in this Section and may stand his or her ground and meet force with force.

D. No finder of fact shall be permitted to consider the possibility of retreat as a factor in determining whether or not the person who used force or violence in defense of his person or property had a reasonable belief that force or violence was reasonable and apparently necessary to prevent a forcible offense or to prevent the unlawful entry.

§20. Reserved

§21. Aggressor cannot claim self-defense (Source: R.S. 14:21)

A person who is the aggressor or who brings on a difficulty cannot claim the right of self-defense unless he withdraws from the conflict in good faith and in such a manner that his adversary knows or should know that he desires to withdraw and discontinue the conflict.

§22. Defense of others (Source: R.S. 14:22)

It is justifiable to use force or violence or to kill in the defense of another person when it is reasonably apparent that the person attacked could have justifiably used such means himself, and when it is reasonably believed that such intervention is necessary to protect the other person.

PART IV. PARTIES

§24. Principals (Source: R.S. 14:24)

All persons concerned in the commission of an offense, whether present or absent, and whether they directly commit the act constituting the offense, aid and abet in its commission, or directly or indirectly counsel or procure another to commit the offense, are principals.

PART V. INCHOATE OFFENSES

§26. Conspiracy (Source: R.S. 14:26)

A. Conspiracy is the agreement or combination of two or more persons for the specific purpose of committing any offense; provided that an agreement or combination to commit an offense shall not amount to a conspiracy unless, in addition to such agreement or combination, one or more of such parties does an act in furtherance of the object of the agreement or combination. If the intended basic offense has been consummated, the conspirators may be tried for either the conspiracy or the completed offense, and a conviction for one shall not bar prosecution for the other.

B. Whoever is a party to a conspiracy to commit any offense shall be fined or imprisoned, or both, in the same manner as for the offense contemplated by the conspirators but such fine or imprisonment shall not exceed one-half of the largest fine, or one-half the longest term of imprisonment prescribed for such offense, or both.

§27. Attempt (Source: R.S. 14:27)

A. Any person who, having a specific intent to commit an offense, does or omits an act for the purpose of and tending directly toward the accomplishing of his object is guilty of an attempt to commit the offense intended; and it shall be immaterial whether, under the circumstances, he would have actually accomplished his purpose.

B. Mere preparation to commit an offense shall not be sufficient to constitute an attempt; but lying in wait with a dangerous weapon with the intent to commit an offense, or searching for the intended victim with a dangerous weapon with the intent to commit an offense, shall be sufficient to constitute an attempt to commit the offense intended.

C. An attempt is a separate but lesser grade of the intended offense; and any person may be convicted of an attempt to commit an offense, although it appears on the trial that the offense intended or attempted was actually perpetrated by such person in pursuance of such attempt.

D. Whoever attempts to commit any offense shall be fined or imprisoned or both, in the same manner as for the offense attempted; such fine or imprisonment

shall not exceed one-half of the largest fine, or one-half of the longest term of imprisonment prescribed for the offense so attempted, or both.

PART VI. OFFENSES AFFECTING PERSONS

§33. Battery defined (Source: R.S. 14:33)

Battery is the intentional use of force or violence upon the person of another; or the intentional administration of a poison or other noxious liquid or substance to another.

§34. Reserved

§34.4. Battery of a school or recreation athletic contest official (Source: R.S. 14:34.4)

A.(1) Battery of a school or recreation athletic contest official is a battery committed without the consent of the victim when the offender has reasonable grounds to believe the victim is a school athletic or recreation contest official.

(2) For purposes of this Section, "school athletic contest official" means any referee, umpire, coach, instructor, administrator, staff person, or school or school board employee of any public or private elementary and secondary school while actively engaged in the conducting, supervising, refereeing, or officiating of a school sanctioned interscholastic athletic contest.

(3) For purposes of this Section, "recreation athletic contest official" means any referee, umpire, coach, instructor, administrator, staff person, or recreation employee of any public or quasi public recreation program while actively engaged in the conducting, supervising, refereeing, or officiating of a sanctioned recreation athletic contest.

B.(1) Whoever violates this Section shall be fined not more than five hundred dollars and imprisoned not less than forty-eight hours nor more than sixty days without benefit of suspension of sentence, except as provided in Paragraph (2).

(2) The court, in its discretion, may suspend the imposition of the sentence and place the offender on probation with the condition that he shall perform five days of community service work. Failure to successfully complete the community service work, as determined by the supervisor of the program to which he is assigned, may result in revocation of probation.

§35. Simple battery (Source: R.S. 14:35)

It shall be unlawful for any person to commit simple battery. Simple battery is a battery committed without the consent of the victim.

§35.1. Reserved

§35.2. Simple battery of the infirm (Source: R.S. 14:35.2)

A. Simple battery of the infirm is a battery committed against an infirm, disabled, or aged person who is incapable of consenting to the battery due to either of the following:

(1) Advanced age.

(2) Unsoundness of mind, stupor, abnormal condition of the mind, or other mental or developmental disability, regardless of the age of the victim.

B. For purposes of this Section, "infirm, disabled, or aged person" shall include but not be limited to any individual who is a resident of a nursing home, mental retardation facility, mental health facility, hospital, or other residential facility, or

any individual who is sixty years of age or older. Lack of knowledge of the person's age shall not be a defense.

C. Whoever violates this Section shall be fined not more than five hundred dollars and imprisoned not less than thirty days nor more than sixty days, or both.

§35.3. Domestic abuse battery (Source: 14:35.3)

A. Domestic abuse battery is the intentional use of force or violence committed by one household member upon the person of another household member.

B. For purposes of this Section:

(1) "Community service activities" as used in this Section may include duty in any morgue, coroner's office, or emergency treatment room of a state-operated hospital or other state-operated emergency treatment facility, with the consent of the administrator of the morgue, coroner's office, hospital, or facility.

(2) "Household member" means any person of the opposite sex presently living in the same residence or living in the same residence within five years of the occurrence of the domestic abuse battery with the defendant as a spouse, whether married or not, or any child presently living in the same residence or living in the same residence within five years immediately prior to the occurrence of domestic abuse battery, or any child of the offender regardless of where the child resides.

(3) "Strangulation" means intentionally impeding the normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of the victim.

C. On a first conviction, the offender shall be fined not less than three hundred dollars and shall be imprisoned for not less than ten days. Imposition or execution of sentence shall not be suspended unless:

(1) The offender is placed on probation with a minimum condition that he serve two days in jail and participate in a court-approved domestic abuse prevention program, and the offender shall not own or possess a firearm throughout the entirety of the sentence; or

(2) The offender is placed on probation with a minimum condition that he perform four eight-hour days of court-approved community service activities and participate in a court-approved domestic abuse prevention program, and the offender shall not own or possess a firearm throughout the entirety of the sentence.

D. If the victim of domestic abuse battery is pregnant and the offender knows that the victim is pregnant at the time of the commission of the offense, the offender shall be required to serve a minimum of thirty days without benefit of suspension of sentence.

§36. Assault defined (Source: R.S. 14:36)

Assault is an attempt to commit a battery, or the intentional placing of another in reasonable apprehension of receiving a battery.

§37. Aggravated assault (Source: R.S. 14:37)

It shall be unlawful for any person to commit aggravated assault. Aggravated assault is an assault committed with a dangerous weapon.

§37.3. Unlawful use of a laser on a police officer (Source: R.S. 14:37.3)

A. Unlawful use of a laser on a police officer is the intentional projection of a laser on or at a police officer without consent of the officer when the offender has reasonable grounds to believe the officer is a police officer acting in the performance of his duty and that the officer will be injured, intimidated, or placed in fear of bodily harm.

B. For purposes of this Section the following terms have the following meanings:

(1) "Laser" means any device that projects a beam or point of light by means of light amplification by stimulated emission of radiation or any device that emits light which simulates the appearance of a laser.

(2) "Police officer" includes commissioned police officers, sheriffs, deputy sheriffs, marshals, deputy marshals, correctional officers, constables, wildlife enforcement agents, and probation and parole officers.

§38. Simple assault (Source: R.S. 14:38)

A. Simple assault is an assault committed without a dangerous weapon.

§38.3. Assault on a child welfare worker (Source: R.S. 14:38.3)

A. (1) Assault on a child welfare worker is an assault committed when the offender has reasonable grounds to believe the victim is a child welfare worker working in the acting in the performance of his duties.

(2) For purposes of this Section, "child welfare worker" shall include any child protection investigator, family services worker, foster care worker, adoption worker, any supervisor of the above, or any person authorized to transport clients for the agency, or court appointed special advocate (CASA) representative.

B. Whoever violates this Section shall be fined not more than five hundred dollars or imprisoned not less than fifteen days nor more than sixty days, or both.

§39. Negligent injuring (Source: R.S. 14:39)

A. It shall be unlawful for any person to commit negligent injuring. Negligent injuring is either of the following:

(1) The inflicting of any injury upon the person of another by criminal negligence.

(2) The inflicting of any injury upon the person of another by a dog or other animal when the owner of the dog or other animal is reckless and criminally negligent in confining or restraining the dog or other animal.

B. The violation of an ordinance or law shall be considered only as presumptive evidence of such negligence.

§40. Simple Possession of marijuana.

It shall be unlawful for any person to knowingly or intentionally possess marijuana, tetrahydrocannabinol or chemical derivatives thereof. The offender shall be fined not more than \$500.00, imprisoned for not more than sixty (60) days, or both.

§41. Simple Possession of drug paraphernalia.

(a) It shall be unlawful for any person to knowingly or intentionally possess drug paraphernalia.

(b) The term "drug paraphernalia" shall mean and include, but not be limited to:

(1) All equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the Uniform Controlled Dangerous Substances Law, as scheduled in LSA R.S. 40:964.

(2) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.

(3) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.

(4) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.

(5) Testing equipment used, intended for use, or designed for use in identifying, or analyzing the strength, effectiveness, or purity of controlled substances.

(6) Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting controlled substances.

(7) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.

(8) Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances.

(9) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.

(10) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.

(11) Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.

(12) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

- a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.
- b. Water pipes.
- c. Carburetion tubes and devices.
- d. Smoking and carburetion masks.
- e. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.
- f. Miniature cocaine spoons, and cocaine vials.
- g. Chamber pipes.
- h. Carburetor pipes.
- i. Electric pipes.
- j. Air-driven pipes.
- k. Chillums.
- l. Bongs.
- m. Ice pipes or chillers.

(c) In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other legally relevant factors, the following:

- (1) Statements by an owner or by anyone in control of the object concerning its use.
- (2) The proximity of the object, in time and space, to direct violation of the Uniform Controlled Dangerous Substances Law.
- (3) The proximity of the object to controlled substances.
- (4) The existence of any residue of controlled substances on the object.
- (5) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows or should reasonably know intends to use the object to facilitate a violation of the Uniform Controlled Dangerous Substances Law; the innocence of an owner, or of anyone in control of the object, as to a direct violation of the Uniform Controlled Dangerous Substances Law shall not prevent a finding that the object is intended for use or designed for use as drug paraphernalia.
- (6) Instructions, oral or written, provided with the object concerning its use.
- (7) Descriptive materials accompanying the object which explain or depict its use.
- (8) National and local advertising concerning its use.
- (9) The manner in which the object is displayed for sale.
- (10) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.
- (11) The existence and scope of legitimate use for the object in the community.
- (12) Expert testimony concerning its use.

(d) Upon conviction, the offender shall be fined not more than \$500.00, imprisoned for not more than sixty (60) days, or both.

§42-45 (Reserved).

§46. False imprisonment (Source: R.S. 14:46)

A. False imprisonment is the intentional confinement or detention of another, without his consent, without proper legal authority, and when the offender is not armed with a dangerous weapon.

PART VII. OFFENSES AGAINST PROPERTY

§56. Simple criminal damage to property

A.(1) Simple criminal damage to property is the intentional damaging of any property of another, where the damage is less than five hundred dollars, without the consent of the owner, wherein it is not foreseeable that human life might be endangered, by any means other than fire or explosion.

(2) The provisions of this Section shall include the intentional damaging of a dwelling, house, apartment, or other structure used in whole or in part as a home, residence, or place of abode by a person who leased or rented the property.

B. Whoever commits the crime of simple criminal damage to property shall be fined not more than five hundred dollars or imprisoned for not more than sixty days, or both.

C. In addition to the foregoing penalties, a person convicted under the provisions of this Section may be ordered to make full restitution to the owner of the property. If a person ordered to make restitution is found to be indigent and therefore unable to make restitution in full at the time of conviction, the court shall order a periodic payment plan consistent with the person's ability to pay.

§56.1. Criminal damage to coin-operated devices (Source: R.S. 14:56.1)

A. Criminal damage to a coin-operated device is the intentional damaging of any coin-operated device belonging to another when the damage amounts to less than one hundred dollars.

B. Coin-operated device means any parking meter, pay telephone, vending machine, moneychanging machine, or any other coin activated device designed to accept money for a privilege, service, or product.

C. For purposes of this Section, the value of damages shall be determined by the actual cost of repair, or replacement if necessary.

§56.4. Criminal damage to property by defacing with graffiti

A. It shall be unlawful for any person to intentionally deface with graffiti immovable or movable property, whether publicly or privately owned, where the damage is less than five hundred dollars, without the consent of the owner.

B. As used in this Section, the following terms mean:

(1) "Deface" or "defacing" is the damaging of immovable or movable property by means of painting, marking, scratching, drawing, or etching with graffiti.

(2) "Graffiti" includes but is not limited to any sign, inscription, design, drawing, diagram, etching, sketch, symbol, lettering, name, or marking placed upon immovable or movable property in such a manner and in such a location as to deface the property and be visible to the general public.

C. Whoever commits the crime of criminal damage to property by defacing with graffiti shall be fined not more than five hundred dollars or imprisoned for not more than sixty days, or both.

D.(1) The court, in addition to any punishment imposed under the provisions of this Section, may order the offender to clean up, repair, or replace any property damaged by the act or to pay restitution to the owner of the damaged property.

(2) The court may also order the offender to perform the following hours of community service:

(a) For a first conviction, not to exceed thirty-two hours over a period not to exceed one hundred eighty days.

(b) For a second or subsequent conviction, sixty-four hours over a period not to exceed one hundred eighty days.

§58. Open burning

It shall be unlawful for any person to start or set any fire in violation of Ordinance 860, adopted October 12, 2009, as codified (as amended).

§59. Criminal mischief (Source: R.S. 14:59)

It shall be unlawful for any person to commit criminal mischief. Criminal mischief is the intentional performance of any of the following acts:

(1) Tampering with any property of another, without the consent of the owner, with the intent to interfere with the free enjoyment of any rights of anyone thereto, or with the intent to deprive anyone entitled thereto of the full use of the property.

(2) Giving of any false alarm of fire or notice which would reasonably result in emergency response.

(3) Driving of any tack, nail, spike or metal over one and one-half inch in length into any tree located on lands belonging to another, without the consent of the owner, or without the later removal of the object from the tree.

(4) The felling, topping or pruning of trees or shrubs within the right-of-way of a municipal street, without prior written approval of the municipality or its representative, provided prior written approval is not required for agents or employees of public utility companies in situations of emergency where the person or property of others is endangered.

(5) Giving of any false report or complaint to any officer of the law relative to the commission of, or an attempt to commit, an offense or crime.

(6) Throwing any stone or any other missile in any street, avenue, alley, road, highway, open space, public square, or enclosure, or throwing any stone, missile, or other object from any place into any street, avenue, road, highway, alley, open space, public square, enclosure, or at any train, railway car, or locomotive.

(7) Taking temporary possession of any part or parts of a place of business, or remaining in a place of business after the person in charge of such business or portion of such business has directed such person to leave the premises and to desist from the temporary possession of any part or parts of such business.

(8) The communication to any person for the purpose of disrupting any public utility water service, when the communication causes any officer, employee, or agent of the service reasonably to be placed in sustained fear for his or another person's safety, or causes the evacuation of a water service building, or causes any discontinuance of any water service.

(9) The discharging of any firearm at a train, locomotive, or railway car.

§60. Fire-raising on lands of another (Source: R.S. 14:204)

A. Fire-raising on lands of another is the performance of any of the following acts:

(1) The setting fire to any grass, leaves, brush, or debris on lands by the owner, or by the owner's agent or lessee, and allowing the fire to spread or pass to lands of another.

(2) The starting of fire with wood or other fuel on lands of another, without malice, for camping or other purposes, with failure to exercise sufficient precautions so as to prevent the fire from spreading to grass, leaves, brush or other debris on the lands.

(3) The setting fire to grass, leaves, brush or other debris on lands of another by means of casting aside a lighted match or lighted cigar or cigarette stub.

(4) The burning over or causing burning over to be done on any land which adjoins woodlands of another within the municipality without first giving the municipal fire department written notice of intention to burn over the lands, giving a description of the property which will reasonably describe the location where the burning shall begin, and the date on which the lands are to be burned over.

B. Whoever commits fire-raising on lands of another shall be fined not more than three hundred dollars or imprisoned for not more than thirty days, or both.

§61. Fire-raising on lands of another with malice (Source: R.S. 14:205)

It shall be unlawful for any person to commit fire-raising on lands of another with malice. Fireraising on lands of another with malice is the malicious setting fire to any grass, leaves, brush, or debris on lands of another, or the procuring same to be done.

§62. Fire prevention interference (Source: R.S. 14:206)

It shall be unlawful for any person to commit fire prevention interference. Fire prevention interference is the intentional performance of any of the following acts:

- (1) Defacing or destroying fire warning notices or posters.
- (2) Injuring, destroying, removing or in any manner interfering with the use of any tools, equipment, towers, buildings or telephone lines used in the detection, reporting or suppression of fire.

§63. Criminal trespass (Source: R.S. 14:63)

A. No person shall enter any structure, watercraft, or movable owned by another without express, legal, or implied authorization.

B. No person shall enter upon immovable property owned by another without express, legal, or implied authorization.

C. No person shall remain in or upon property, movable or immovable, owned by another without express, legal, or implied authorization.

D. It shall be an affirmative defense to a prosecution for a violation of Subsections A, B, or C of this Section, that the accused had express, legal, or implied authority to be in the movable or on the immovable property.

E. The following persons may enter or remain upon the structure, watercraft, movable or immovable property, of another:

(1) A duly commissioned law enforcement officer in the performance of his duties.

(2) Any firefighter, whether or not a member of a volunteer or other fire department, and any employee or agent of the Louisiana Department of Agriculture and Forestry engaged in locating and suppressing a fire.

(3) Emergency medical personnel engaged in the rendering of medical assistance to an individual.

(4) Any federal, state or local government employee, public utility employee or agent engaged in suppressing or dealing with an emergency that presents an imminent danger to human safety or health or to the environment.

(5) Any federal, state or local government employee, public utility employee or agent in the performance of his duties when otherwise authorized by law to enter or remain on immovable or movable property.

(6) Any person authorized by a court of law to enter or remain on immovable property.

(7) Any person exercising the mere right of passage to an enclosed estate, as otherwise provided by law.

F. The following persons may enter or remain upon immovable property of another, unless specifically forbidden to do so by the owner or other person with authority, either orally or in writing:

(1) A professional land surveyor or his authorized personnel, engaged in the "Practice of Land Surveying", as defined in R.S. 37:682.

(2) A person, affiliate, employee, agent or contractor of any business which is regulated by the Louisiana Public Service Commission or by a local franchising authority or the Federal Communication Commission under the Cable Reregulation Act of 1992 or of a municipal or public utility, while acting in the course and scope of his employment or agency relating to the operation, repair, or maintenance of a facility, servitude or any property located on the immovable property which belongs to such a business.

(3) Any person making a delivery, soliciting, selling any product or service, conducting a survey or poll, a real estate licensee or other person who has a legitimate reason for making a delivery, conducting business or communicating with the owner, lessee, custodian or a resident of the immovable property, and who, immediately upon entry, seeks to make the delivery, to conduct business or to conduct the communication.

(4) An employee of the owner, lessee or custodian of the immovable property while performing his duties, functions and responsibilities in the course and scope of his employment.

(5) The owner of domestic livestock or his employees or agents while in the process of retrieving his domestic livestock that have escaped from an area fenced to retain such domestic livestock.

(6) The owner of a domestic animal while in the sole process of merely retrieving his domestic animal from immovable property and not having a firearm or other weapon on his person.

(7) Any candidate for political office or any person working on behalf of a candidate for a political office.

(8) The owner or occupant of a watercraft or vessel traveling in salt water engaged in any lawful purpose for the purpose of retrieval of his property or for obtaining assistance in an emergency situation.

G. The following penalties shall be imposed for a violation of this Section:

(1) For the first offense, the fine shall be not less than one hundred dollars, imprisonment for not more than thirty days, or both.

(2) For the second offense, the fine shall be not less than three hundred dollars, imprisonment for not more than sixty days, or both.

(3) For the third offense and all subsequent offenses, the fine shall be not less than five hundred dollars, imprisonment for not less than sixty days, or both.

(4) A person may be convicted of a second offense and any subsequent offenses regardless of whether any prior conviction involved the same structure, watercraft, movable or immovable property and regardless of the time sequence of the occurrence of the offenses.

H. A minor ten years old or younger shall not be arrested, detained or apprehended for the crime of trespass.

§63.3. Entry on or remaining in places or on land after being forbidden (Source: R.S. 14:63.3)

It shall be unlawful for any person without authority to go into or upon or remain in or upon or attempt to go into or upon or remain in or upon any structure,

watercraft, or any other movable, or immovable property, which belongs to another, including public buildings and structures, ferries, and bridges, or any part, portion, or area thereof, after having been forbidden to do so, either orally or in writing, including by means of any sign hereinafter described, by any owner, lessee, or custodian of the property or by any other authorized person. For the purposes of this Section, the above mentioned sign means a sign or signs posted on or in the structure, watercraft, or any other movable, or immovable property, including public buildings and structures, ferries and bridges, or part, portion or area thereof, at a place or places where such sign or signs may be reasonably expected to be seen.

§63.4. Aiding and abetting others to enter or remain on premises where forbidden (Source: R.S.14:63.4)

A. It shall be unlawful for any person to incite, solicit, urge, encourage, exhort, instigate, or procure any other person to go into or upon or to remain in or upon any structure, watercraft, or any other movable which belongs to another, including public buildings and structures, ferries, and bridges, or any part, portion, or area thereof, knowing that such other person has been forbidden to go or remain there, either orally or in writing, including by means of any sign hereinafter described, by the owner, lessee, or custodian of the property or by any other authorized person.

B. For the purposes of this Section, the above mentioned sign means a sign or signs posted on or in the structure, watercraft or any other movable, including public buildings and structures, ferries and bridges, or part, portion or area thereof, at a place or places where such sign or signs may be reasonably expected to be seen.

C. Any law enforcement officer investigating a complaint that the provisions of this Section are being or have been violated or any such officer making any arrest for violation of this Section, may require any person involved in such investigation or arrest to identify himself to such officer. Upon demand of such officer, the person involved shall inform the officer of his true name and address.

§67. Theft (Source: R.S. 14:67)

It shall be unlawful for any person to commit theft. Theft is the misappropriation or taking of anything of value of less than a value of three hundred dollars which belongs to another, either without the consent of the other to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations by a person. An intent to deprive the other permanently of whatever may be the subject of the misappropriation or taking is essential.

§67.2. Theft of animals (Source: R.S. 14:67.2)

A. Theft of animals is the misappropriation, killing, or taking of any animal which belongs to another, either without consent of the other to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations, when the misappropriation or taking amounts to less than a value of three hundred dollars. An intent to deprive the other permanently of the animal or an intent to ransom it for the purpose of extorting money or favor is essential.

B. The value of the animal which was misappropriated, killed, or taken shall be decided by the court, based upon the evidence establishing the value beyond a reasonable doubt, including but not limited to the following:

(1) The amount of money which was acquired from the sale, use, or other disposal of the animal.

(2) Expert testimony as to the amount of money which may be acquired from the sale, use, or other disposal of the animal.

(3) In cases of a pet other than a dog, testimony by the owner as to the strength of the bond between the owner and the animal and the emotional attachment between the animal and the owner or person with whom the animal is attached.

C. For the purposes of this Section, "animal" means any non-human living creature except for

(1) livestock (any animal, hybrid, mixture, or mutation of the species of horses, mules, donkeys, asses, cattle, swine, sheep, goats, domesticated deer, buffalo, bison, beefalo, or oxen) and

(2) for a dog that is also a pet.

§67.3. Unauthorized use of "access card" as theft (Source: R.S. 14:67.3)

A.(1) "Access card" shall mean and include any card, plate, account number, paper, book, or any other device, issued to a person which authorizes such person to obtain credit, money, goods, services, or anything of value, whether contemporaneously or not, by use of any credit or deferred payment plan with the issuer or by use of debiting or charging such person's demand deposit or savings or time account with the issuer or by debiting or charging any other funds such person has on deposit with the issuer.

(2) "Revoked Access Card" as used herein shall mean an Access Card which has been cancelled or terminated by the issuer of said Access Card.

(3) "Person" as used herein shall mean and include natural persons, or any organization, or other entity.

(4) "Issuer" as used herein shall be the depository and/or creditor issuing the Access Card, directly or through another entity.

(5) The aggregate amount or value of credit, money, goods, services or anything else of value obtained shall determine the value of the misappropriation or taking in determining the penalty under Section 67 when the offender has obtained the credit, money, goods, services or anything else of value from any one issuer or the offender has used an Access Card, or referred to a nonexistent Access Card on two or more occasions within any consecutive ninety day period.

B. Whoever, directly or indirectly, by agent or otherwise, with intent to defraud, (1) uses a forged Access Card, (2) makes reference by number or other description to a nonexistent Access Card, (3) steals or wrongfully appropriates an Access Card, or (4) uses an Access Card belonging to another person without authority of said person; thereby obtaining, whether contemporaneously or not, credit, money, goods, services or anything of value shall be guilty of theft and shall be subject to the penalties provided for the offense of theft in Section 67.

C. Whoever, directly or indirectly, by agent or otherwise, with intent to defraud, uses a revoked Access Card, thereby obtaining, whether contemporaneously or not, credit, money, goods, services or anything of value shall be guilty of theft and shall be subject to the penalties provided for the offense of theft in Section 67. For purposes of this Subsection, it shall be presumptive evidence that a person used a revoked Access Card with intent to defraud if the said person, directly or indirectly, by agent or otherwise, uses the said Access Card after actually receiving oral or written notice that the Access Card has been cancelled or terminated, or if said person, directly or indirectly, by agent or otherwise, uses the said Access Card at a time period more than five days after written notice of the termination or cancellation of said Access Card has been deposited by registered or certified mail in the United States mail system. Said notice shall be addressed to the person to whom such Access Card has been issued at the last known address for such person as shown on the records of the issuer.

D. Whoever, directly or indirectly, by agent or otherwise, with the intent to defraud, uses an Access Card to obtain, whether contemporaneously or not, money, goods, services or anything of value, and the final payment for said items is to be made by debiting or charging said person's demand deposit or savings or time account with issuer, or by debiting or charging any other funds said person has on deposit with issuer, and there are not sufficient funds on deposit to the credit of said person with the issuer to make payment in full of said items obtained, said person shall have committed the offense of theft in Section 67. Said person's failure to pay the amount due on said items obtained:

(1) Within ten days after written notice of said amount due has been deposited by certified or registered mail in the United States mail system addressed to the person to whom such Access Card has been issued at the last known address for such person as shown on the records of issuer; or

(2) Within ten days of delivery or personal tender of said written notice shall be presumptive evidence of said person's intent to defraud.

E. As used herein and in Section 67, the Access Card itself shall be a thing of value, with a value less than one hundred dollars.

F. In addition to any other fine or penalty imposed under this Section or under Section 67, the court may, at its discretion, order as a part of the sentence, restitution.

§67.6. Theft of utility service; inference of commission of theft (Source: R.S. 14:67.6)

A. Theft of utility service is the misappropriation, taking, or use of any electricity, gas, water, or telecommunications which belongs to another, is held for sale by another, or is being distributed by another, without the consent of the owner, seller, or distributor or by means of fraudulent conduct, practices, or representations by a person who has not been previously convicted of such offense. A taking, misappropriation, or use includes the diversion by any means or device of any quantity of electricity, gas, water, or telecommunications from the wires, cables, pipes, mains, or other means of transmission of such person, or by directly or indirectly preventing a metering device from properly registering the quantity of electricity, gas, water, or telecommunications actually used, consumed, or transmitted.

B. The trier of fact may infer that there was a misappropriation, taking, or using without the consent of the owner, seller, or distributor, or that there was fraudulent conduct, practices, or representations when:

(1) There is on or about any wire, cable, pipe, main, or meter, or the equipment to which said wire, cable, pipe, main, or meter is affixed or attached, any device or any other means resulting in the diversion of electricity, gas, water, or telecommunications, or any device or any other means resulting in the prevention of the proper action or accurate registration of the meter or meters used to measure the quantity of electricity, gas, water, or telecommunications actually used, consumed, or transmitted, or interfering with the proper action or accurate registration of such meter or meters;

(2) The person charged had custody or control of the room, structure, or place where such device, other means, or such wire, cable, pipe, main, meter, or equipment affixed or attached thereto was located; and

(3) The person charged benefited from the misappropriation of such utility service; or

(4) The person charged intentionally supplied false information in applying for such utility service.

C. The offender shall be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not more than sixty days, or both.

D. This Section shall not apply to the attachment on the customer's side of the customer's main electric disconnect of any device which lowers the quantity of utilities actually used and does not divert such utilities or prevent their proper registration.

§67.10. Theft of goods (Source: R.S. 14:67.10)

It shall be unlawful for any person to commit theft of goods. Theft of goods is the misappropriation or taking of anything of value with a value of less than three hundred dollars which is held for sale by a merchant, either without the consent of the merchant to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations by a person. An intent to deprive the merchant permanently of whatever may be the subject of the misappropriation or taking is essential and may be inferred when a person:

- (1) Intentionally conceals, on his person or otherwise, goods held for sale;
- (2) Alters or transfers any price marking reflecting the actual retail price of the goods;
- (3) Transfers goods from one container or package to another or places goods in any container, package, or wrapping in a manner to avoid detection;
- (4) Willfully causes the cash register or other sales recording device to reflect less than the actual retail price of the goods; or
- (5) Removes any price marking with the intent to deceive the merchant as to the actual retail price of the goods.
- (6) Damages or consumes goods or property so as to render it unmerchantable.

§67.17. Theft of motor vehicle fuel (Source: R.S. 14:67.17)

No person shall dispense fuel, including gasoline and diesel, into the fuel tank of a motor vehicle at an establishment in which motor gasoline or diesel is offered for retail sale and leave the premises of the establishment unless the payment or authorized charge for the fuel has been made.

§68. Unauthorized use of a movable (Source: R.S. 14:68)

It shall be unlawful for any person to commit unauthorized use of a movable. Unauthorized use of a movable is the intentional taking or use of a movable having a value of one thousand dollars or less which belongs to another either without the other's consent, or by means of fraudulent conduct, practices, or representations, but without any intention to deprive the other of the movable permanently. The fact that the movable so taken or used may be classified as an immovable, according to the law pertaining to civil matters, is immaterial.

§68.1. Unauthorized removal of shopping cart, basket, or dairy case (Source: R.S. 14:68.1)

A. It shall be unlawful for any person to remove a shopping cart, basket, or dairy case belonging to another from the parking area or grounds of any store without authorization therefor.

B. Whoever commits unauthorized removal of a shopping cart, basket, or dairy case from the parking area or grounds of a store shall be fined not more than one hundred dollars, or imprisoned for not more than sixty days, or both.

§68.3. Unauthorized removal of a motor vehicle (Source: R.S. 14:68.3)

It shall be unlawful for anyone, except upon a court order, to remove a motor vehicle from a garage, repair shop, or vehicle storage facility when there is a charge due such garage, repair shop, or vehicle storage facility for repair work, mechanical service, or storage rendered to such vehicle without paying the charge or making arrangements acceptable to the management of the garage, repair shop, or vehicle storage facility to pay the charge.

§68.6. Unauthorized ordering of goods or services (Source: R.S. 14:68.6)

A. It is unlawful for any person to intentionally place an order for any goods or services to be supplied or delivered to another person when all of the following circumstances apply:

(1) The person receiving the goods or services has not previously authorized such an order, does not reside with the person who placed the order, and the goods or services are not being given as a gift to that person.

(2) The person receiving the goods or services is required to pay for such goods or services, either in advance or upon delivery and has not previously agreed to do so, or is required to return the items to the sender at his expense.

(3) The person placing the order for goods or services intends to harass or annoy the person receiving such goods or services.

B. Receipt and use of an item described in this Section by the receiver shall constitute an affirmative defense to prosecution under this Section.

C. If the person who places the order for the goods or services is told by the customer who receives the goods or services that the customer did not desire the goods or services, the customer is released from any obligation to pay for such goods or services and the providing person shall not be liable under this Section.

§69. Illegal possession of stolen things (Source: R.S. 14:69)

A. It shall be unlawful for any person to commit illegal possession of stolen things. Illegal possession of stolen things is the intentional possessing, procuring, receiving, or concealing of anything of value of less than three hundred dollars which has been the subject of any robbery or theft, under circumstances which indicate that the offender knew or had good reason to believe that the thing was the subject of one of these offenses.

B. It shall be an affirmative defense to a violation of this Section committed by means of possessing, that the accused, within seventy-two hours of his acquiring knowledge or good reason to believe that a thing was the subject of robbery or theft, reports that fact or belief in writing to the parish district attorney or municipal prosecuting attorney.

§70. False accounting (Source: R.S. 14:70)

It shall be unlawful for any person to commit false accounting. False accounting is the intentional rendering of a financial statement of account which is known by the offender to be false, by anyone who is obliged to render an accounting by the law pertaining to civil matters.

§70.6. Unlawful distribution, possession, or use of theft alarm deactivation devices (Source: R.S. 14:70.6)

A.(1) For the purposes of this Section, a theft alarm deactivation device is any device which is designed or intended to remove or deactivate any electronic or

magnetic device which is placed on or attached to merchandise and which is intended to cause an alarm to be activated if the merchandise is moved from an authorized to an unauthorized area without either payment for the merchandise having been made or permission having been obtained from the owner of the merchandise for the movement.

(2) As used in this Section, the meaning of "owner" shall include an agent or employee of the owner authorized by the owner.

B. Unlawful distribution of theft alarm deactivation devices is the sale, offer for sale, exchange, offer for exchange, donation, or offer for donation of any theft alarm deactivation device with the knowledge or intention that the device will be used to remove or deactivate any theft alarm device for the purpose of moving merchandise from an authorized area to an unauthorized area without either paying for the merchandise or obtaining the permission of the owner of the merchandise.

C. Unlawful possession of theft alarm deactivation devices is the possession of any theft alarm deactivation device with the knowledge or intention that the device will be used to remove or deactivate any theft alarm device for the purpose of moving merchandise from an authorized area to an unauthorized area without either paying for the merchandise or obtaining the permission of the owner of the merchandise.

D. Unlawful use of theft alarm deactivation devices is the use of any theft alarm deactivation device to remove or deactivate any theft alarm device for the purpose of moving merchandise from an authorized area to an unauthorized area without either paying for the merchandise or obtaining the permission of the owner of the merchandise.

§71. (Reserved)

§72. Soliciting upon private residence

A. It shall be unlawful for any person to go in and upon a private residence not having been requested or invited to do so by the owner or occupant of the residence for the purpose of soliciting orders for the sale of goods, wares, and merchandise, and/or for the purpose of disposing of and/or peddling or hawking the same.

B. Subsection A shall not apply to any person authorized by ordinance, law, permit, or license to do so nor to any person soliciting for charitable purposes. However, it shall be unlawful for any such person to remain in or upon the private residence after having been requested or invited to leave the residence by the owner or occupant of the private residence.

PART VIII. OFFENSES AFFECTING THE PUBLIC MORALS

§82. Prostitution; definition; enhancement (Source: R.S. 14:82)

A. It shall be unlawful for any person to commit prostitution. Prostitution is:

(1) The practice by a person of indiscriminate sexual intercourse with others for compensation.

(2) The solicitation by one person of another with the intent to engage in indiscriminate sexual intercourse with the latter for compensation.

B. As used in this Section, "sexual intercourse" means anal, oral, or vaginal intercourse.

C. If the offense occurred as a result of a solicitation by the offender while the offender was located on a public road or highway, or the sidewalk, walkway, or public servitude thereof, the court shall sentence the offender to imprisonment for a minimum of ten days. The court may suspend imposition of all or part of the ten-day imprisonment and place the offender upon supervised probation if the offender agrees, as a condition of probation, to perform two hundred forty hours of community service work collecting or picking up litter and trash on the public roads, streets, and highways, under conditions specified by the court.

D. All persons who are convicted of the offense of prostitution shall be referred to the parish health unit for counseling concerning Acquired Immune Deficiency Syndrome.

§83. Soliciting for prostitutes (Source: R.S. 14:83)

It shall be unlawful for any person to commit soliciting for prostitutes. Soliciting for prostitutes is the soliciting, inviting, inducing, directing, or transporting a person to any place with the intention of promoting prostitution.

§83.1. Inciting prostitution (Source: R.S. 14:83.1)

It shall be unlawful for any person to commit inciting prostitution. Inciting prostitution is the aiding, abetting, or assisting in an enterprise for profit in which:

- (1) Customers are charged a fee for services which include prostitution, regardless of what portion of the fee is actually for the prostitution services,
- (2) When the person knows or when a reasonable person in such a position should know that such aiding, abetting, or assisting is for prostitution, and
- (3) When the proceeds or profits are to be in any way divided by the prostitute and the person aiding, abetting, or assisting the prostitute.

§83.3. Prostitution by massage (Source: R.S. 14:83.3)

A. It shall be unlawful for any person to commit prostitution by massage. Prostitution by massage is the erotic stimulation of the genital organs of another by any masseur, masseuse, or any other person, whether resulting in orgasm or not, by instrumental manipulation, touching with the hands, or other bodily contact exclusive of sexual intercourse or unnatural carnal copulation, when done for money.

B. As used in this Section, the terms:

- (1) "Masseur" means a male who practices massage or physiotherapy, or both.
- (2) "Masseuse" means a female who practices massage or physiotherapy, or both.

§83.4. Massage; sexual conduct prohibited (Source: R.S. 14:83.4)

It shall be unlawful for any masseur, masseuse, or any other person, while in a massage parlor or any other enterprise used as a massage parlor, by stimulation in an erotic manner, to:

- (1) Expose, touch, caress, or fondle the genitals, anus, or pubic hairs of any person or the nipples of the female breast; or
- (2) To perform any acts of sadomasochistic abuse, flagellation, or torture in the context of sexual conduct.

§84. Reserved

§85. Letting premises for prostitution (Source: R.S. 14:85)

It shall be unlawful for any person to commit letting premises for prostitution. Letting premises for prostitution is the granting of the right of use or the leasing of any premises, knowing that they are to be used for the practice of prostitution, or allowing the continued use of the premises with such knowledge.

§86. Disorderly place, maintaining of prohibited (Source: R.S. 14:281)

A. No person shall maintain a place of public entertainment or a public resort or any place, room, or part of a building open to the public in such a manner as to disturb the public peace and quiet of the neighborhood.

B. Whoever violates this Section shall be fined not less than twenty-five dollars nor more than one hundred dollars or imprisoned for not less than thirty days nor more than sixty days, or both.

§87. Peeping Tom (Source: R.S. 14:284)

A. It shall be unlawful for any person to perform such acts as will make him a "Peeping Tom" on or about the premises of another, or go upon the premises of another for the purpose of becoming a "Peeping Tom."

B. "Peeping Tom" as used in this Section means one who peeps through windows or doors, or other like places, situated on or about the premises of another for the purpose of spying upon or invading the privacy of persons spied upon without the consent of the persons spied upon. It is not a necessary element of this offense that the "Peeping Tom" be upon the premises of the person being spied upon.

§88. Telephone communications; improper language; harassment (Source: R.S. 14:285)

A. It shall be unlawful for any person to:

(1) Engage in or institute a telephone call, telephone conversation, or telephone conference, with another person, anonymously or otherwise, and therein use obscene, profane, vulgar, lewd, lascivious, or indecent language, or make any suggestion or proposal of an obscene nature or threaten any illegal or immoral act with the intent to coerce, intimidate, or harass another person.

(2) Make repeated telephone communications anonymously or otherwise in a manner reasonably expected to annoy, abuse, torment, harass, embarrass, or offend another, whether or not conversation ensues.

(3) Make a telephone call and intentionally fail to hang up or disengage the connection.

(4) Engage in a telephone call, conference, or recorded communication by using obscene language, when by making a graphic description of a sexual act, and the offender knows or reasonably should know that such obscene or graphic language is directed to, or will be heard by, a minor. Lack of knowledge of age shall not constitute a defense.

(5) Knowingly permit any telephone under his control to be used for any purpose prohibited by this Section.

B. Any offense committed by use of a telephone as set forth in this Section shall be deemed to have been committed at either the place where the telephone call or calls originated or at the place where the telephone call or calls were received.

§89. Reserved

§90. Gambling (Source: R.S. 14:90)

A. It shall be unlawful for any person to commit gambling. Gambling is the intentional conducting, or directly assisting in the conducting, as a business, of any game, contest, lottery, or contrivance whereby a person risks the loss of anything of value in order to realize a profit.

B. The conducting or assisting in the conducting of authorized lottery activities or operations in accordance with state law shall not be considered gambling for purposes of this Section.

§90.2. Gambling in public (Source: R.S. 14:90.2)

A. It shall be unlawful for any person to commit gambling in public. Gambling in public is the aiding or abetting or participation in any game, contest, lottery, or contrivance, in any location or place open to the view of the public or the people at large, such as streets, highways, vacant lots, neutral grounds, alleyway, sidewalk, park, beach, parking lot, or condemned structures whereby a person risks the loss of anything of value in order to realize a profit.

B. This Section shall not prohibit activities authorized by law or ordinance, nor shall it apply to bona fide fairs and festivals conducted for charitable purposes.

§90.3. Gambling by computer (Source: R.S. 14:90.3)

A. Gambling by computer is the intentional conducting, or directly assisting in the conducting as a business of any game, contest, lottery, or contrivance whereby a person risks the loss of anything of value in order to realize a profit when accessing the Internet, World Wide Web, or any part thereof by way of any computer, computer system, computer network, computer software, or any server in any manner other than authorized or permitted by law.

B. For purposes of this Section:

(1) "Client" means anyone using a computer to access a computer server.

(2) "Computer" includes an electronic, magnetic, optical, or other high-speed data processing device or system performing logical, arithmetic, and storage functions, and includes any property, data storage facility, or communications facility directly related to or operating in conjunction with such device or system. "Computer" shall not include an automated typewriter or typesetter, a machine designed solely for word processing, or a portable hand-held calculator, nor shall "computer" include any other device which might contain components similar to those in computers but in which the components have the sole function of controlling the device for the single purpose for which the device is intended.

(3) "Computer network" means a set of related, remotely connected devices and communication facilities including at least one computer system with capability to transmit data through communication facilities.

(4) "Computer services" means providing access to or service or data from a computer, a computer system, or a computer network.

(5) "Computer software" means a set of computer programs, procedures, and associated documentation concerned with operation of a computer system.

(6) "Computer system" means a set of functionally related, connected or unconnected, computer equipment, devices, or computer software.

(7) "Home Page" means the index or location for each computer site on the World Wide Web.

(8) "Internet" means the global information system that is logically linked together by a globally unique address space based on the Internet Protocol or its subsequent extensions, is able to support communications using the Transmission Control Protocol/Internet Protocol suite or its subsequent extensions, and other Internet Protocol compatible protocols, and provides, uses or makes accessible, either publicly or privately, high level services layered on the communications and related infrastructure described herein.

(9) "Server" means a computer that listens for and services a client.

(10) "World Wide Web" means a server providing connections to mega lists of information on the Internet; it is made up of millions of individual web sites linked together.

§90.4. Unlawful playing of video draw poker devices by persons under the age of twenty-one (Source: R.S. 14:90.4)

A. It is unlawful for any person under twenty-one (21) years of age, unless such person is at least the age of majority and an active or honorably discharged member of the United States Armed Services or the National Guard of any state, to play video draw poker devices.

B. For purposes of this Section, "video draw poker device" means a device, as defined in R.S.27:301(B)(15), placed in an establishment licensed for operation and regulated under the applicable provisions of Chapter 6 of Title 27 of the Louisiana Revised Statutes of 1950.

C. Whoever violates this Section shall be fined not more than one hundred dollars for the first offense, two hundred fifty dollars for the second offense, and five hundred dollars for the third offense.

§90.5. Unlawful playing of gaming devices by persons under the age of twenty-one; underage persons, penalty (Source: R.S. 14:90.5)

A. It is unlawful for any person under twenty-one years of age, unless such person is at least the age of majority and an active or honorably discharged member of the United States Armed Services or the National Guard of any state, to play casino games, gaming devices, or slot machines.

B. No person under the age of twenty-one, unless such person is at least the age of majority and an active or honorably discharged member of the United States Armed Services or the National Guard of any state, shall enter, or be permitted to enter, the designated gaming area of a riverboat, the official gaming establishment, or the designated slot machine gaming area of a pari-mutuel wagering facility which offers live horse racing licensed for operation and regulated under the applicable provisions of Chapters 4, 5, and 7 of Title 27 of the Louisiana Revised Statutes of 1950.

C. For purposes of this Section, "casino games, gaming devices, or slot machines" means a game or device, as defined in R.S. 27:44(10) or (12), 205(12) or (13), or 353(14) operated on a riverboat, at the official gaming establishment, or at a pari-mutuel wagering facility which offers live horse racing which is licensed for operation and regulated under the provisions of Chapters 4, 5, and 7 of Title 27 of the Louisiana Revised Statutes of 1950.

§91. Unlawful sales of weapons to minors (Source: R.S. 14:91)

A. Unlawful sales of weapons to minors is the selling, or otherwise delivering for value any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of eighteen. Lack of knowledge of the minor's age shall not be a defense.

B. Whoever commits unlawful sales of weapons to minors shall be fined not more than three hundred dollars, or imprisoned for not more than sixty days, or both.

§91.1. Unlawful presence of a sexually violent predator (Source: R.S. 14:91.1)

A. Unlawful presence of a sexually violent predator is:

(1) The physical presence of a sexually violent predator on the school property of any public or private, elementary or secondary school, or in any motor vehicle or other means of conveyance owned, leased, or contracted by such school to transport students to or from school or a schoolrelated activity when persons under the age of eighteen (18) years are present on the school property or in a school vehicle; or

(2) The physical residing of a sexually violent predator within one thousand (1,000') feet of any public or private elementary or secondary school, a day care center, group home, residential home, or child care facility as defined in R.S. 46:1403, a family child day care home as defined in R.S. 46:1441.1, playground, public or private youth center, public swimming pool, or free standing video arcade facility.

B. It shall not be a violation of Paragraph (A)(1) of this Section if the offender has permission to be present from the superintendent of the school board in the case of a public school or the principal or headmaster in the case of a private school.

C. If permission is granted to an offender to be present on public school property by the superintendent for that public school pursuant to Subsection B of this Section, then the superintendent shall notify the principal at least twenty-four (24) hours in advance of the visit by the offender. This notification shall include the nature of the visit and the date and time in which the sex offender will be present in the school. The offender shall notify the office of the principal upon arrival on the school property and upon departing from the school. If the offender is to be present in the vicinity of children, the offender shall remain under the direct supervision of a school official.

D. For purposes of this Section:

(1) "School property" means any property used for school purposes, including but not limited to school buildings, playgrounds, and parking lots.

(2) "Sexually violent predator" means a person defined as such in R.S. 15:541(16).

§91.7. Unauthorized possession or consumption of alcoholic beverages on public school property (Source: R.S. 14:91.7)

A. No person shall intentionally possess or consume alcoholic beverages upon public school property unless authorized by the principal or person in charge of the public school property at the time.

B. For purposes of this Section:

(1) "School" means any public elementary or secondary school.

(2) "School property" means all property used for school purposes, including but not limited to school playgrounds, buildings, and parking lots.

C. Whoever violates this Section shall be fined not more than five hundred dollars and imprisoned not less than fifteen days nor more than sixty days.

§91.11. Sale, exhibition or distribution of material harmful to minors (Source: R.S. 14:91.11)

A.(1) The unlawful sale, exhibition, rental, leasing, or distribution of material harmful to minors is the intentional sale, allocation, distribution, advertisement, dissemination, exhibition, or display of material harmful to minors, by a person who is not the spouse, parent, or legal guardian of the minor to any unmarried person under the age of eighteen years, or the possession of material harmful to minors with the intent to sell, allocate, advertise, disseminate, exhibit, or display such material to any unmarried person under the age of eighteen years, by a person who is not the spouse, parent, or legal guardian of the minor at a newsstand or any other commercial establishment which is open to persons under the age of eighteen years.

(2) "Material harmful to minors" is defined as any paper, magazine, book, newspaper, periodical, pamphlet, composition, publication, photograph, drawing, picture, poster, motion picture film, video tape, video game, figure, phonograph record, album, cassette, compact disc, wire or tape recording, or other similar tangible work or thing which exploits, is devoted to or principally consists of, descriptions or depictions of illicit sex or sexual immorality for commercial gain, and when the trier of fact determines that each of the following applies:

(a) The material incites or appeals to or is designed to incite or appeal to the prurient, shameful, or morbid interest of minors.

(b) The material is offensive to the average adult applying contemporary community standards with respect to what is suitable for minors.

(c) The material taken as a whole lacks serious literary, artistic, political, or scientific value for minors.

(3) For the purpose of this Section "descriptions or depictions of illicit sex or sexual immorality" includes the depiction, display, description, exhibition or representation of:

(a) Ultimate sexual acts, normal or perverted, actual, simulated or animated, whether between human being, animals or an animal and a human being; or

(b) Masturbation, excretory functions, or exhibition, actual, simulated or animated, of the genitals, pubic hair, anus, vulva or female breast nipples; or

(c) Sadomasochistic abuse, meaning actual, simulated or animated, flagellation or torture by or upon a person who is nude or clad in undergarments or in a costume which reveals the pubic hair, anus, vulva, genitals or female breast nipples, or the condition of being fettered, bound or otherwise physically restrained, on the part of one so clothed; or

(d) Actual, simulated or animated, touching, caressing or fondling of, or other similar physical contact with, a pubic area, anus, female breast nipple, covered or exposed, whether alone or between human, animals or a human and an animal, of the same or opposite sex, in an act of apparent sexual stimulation or gratification; or

(e) Actual, simulated or animated, stimulation of the human genital organs by any device whether or not the device is designed, manufactured and marketed for such purpose.

(4) "Minor" means any person under the age of eighteen years.

(5) "Video game" means an object or device that stores recorded data or instructions, receives data or instructions generated by a person who uses it, and,

by processing the data or instructions, creates an interactive game capable of being played or viewed on or through a computer, gaming system, console, or other technology.

B. (1) It shall be unlawful for a person who is not the spouse, parent, or legal guardian of the minor to invite or permit any unmarried person under the age of eighteen years of age to be in any commercial establishment that exhibits or displays any item, material, work or thing of any kind that is described in Subsection A of this section Section.

(2) Lack of knowledge of age shall not constitute a defense, unless the defendant shows that he had reasonable cause to believe that the minor involved was eighteen years of age or more and that the minor exhibited to the defendant a selective service card, driver's license, military identification card, birth certificate or other official or apparently official document purporting to establish that such a minor was eighteen years of age or more.

(3) For the purpose of Subsections A and B of this Section, "exhibition or display" means the exhibition or display of material harmful to minors as defined in Subsection A of this Section so that, as displayed, depictions and representations of illicit sex or sexual immorality are visible to minors.

(4) A commercial establishment shall not be in violation of this Section if the commercial establishment provides for a separate area for the exhibition or display of material harmful to minors and designates said area "NOT FOR MINORS" or similar words and the commercial establishment prohibits persons under the age of eighteen years from seeing or examining the contents of material harmful to minors.

C. Whoever violates this Section shall be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not more than sixty days, or both.

D. Prior to selling material harmful to minors as provided for by this Section, a commercial establishment shall require the individual purchasing the material harmful to minors to provide a driver's license, selective service card, military identification card, birth certificate, or other official form of identification which on its face establishes the age of the person as eighteen years or older.

E. Whoever is found guilty of violating this Section shall be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not more than sixty days, or both.

§91.12. Sale, distribution or making available to minors publications encouraging, advocating, or facilitating the illegal use of controlled dangerous substances (Source: R.S. 14:91.12)

A. It shall be unlawful for any person to sell, distribute, or make available to a person under eighteen years of age any publication which has as its dominant theme articles or a substantial number of advertisements encouraging, advocating, or facilitating the illegal use of any substance classified as a controlled dangerous substance pursuant to state law.

B. No employee acting within the course and scope of his employment and who has not proprietary interest in the business shall be guilty of a violation of this Section unless he has actual knowledge of the contents of the publication.

§91.13. Illegal use of controlled dangerous substances in the presence of persons under seventeen years of age (Source: R.S. 14:91.13)

It shall be unlawful for any person over the age of seventeen, while in the presence of any person under the age of seventeen, and when there is an age difference of greater than two years between the two persons, to use, consume,

possess, or distribute any controlled dangerous substance in violation of the Uniform Controlled Dangerous Substance Act.

§91.21. Sale of poisonous reptiles to minors (Source: R.S. 14:91.21)

A. It shall be unlawful for any person to sell any type of poisonous reptile to a minor.

B. Whoever violates this Section shall be fined not more than one hundred dollars or imprisoned for not more than sixty days, or both, for each such offense.

§92. Contributing to the delinquency of juveniles (Source: R.S. 14:92)

A. It shall be unlawful for any person to commit contributing to the delinquency of juveniles. Contributing to the delinquency of juveniles is the intentional enticing, aiding, soliciting, or permitting, by anyone over the age of seventeen, of any child under the age of seventeen, and no exception shall be made for a child who may be emancipated by marriage or otherwise, to:

(1) Beg, sing, sell any article or play any musical instrument in any public place for the purpose of receiving alms; or

(2) Associate with any vicious or disreputable persons, or frequent places where the same may be found; or

(3) Visit any place where beverages of either high or low alcoholic content are the principle commodity sold or given away; or

(4) Visit any place where any gambling device is found, or where gambling habitually occurs; or

(5) Habitually trespass where it is recognized he has no right to be; or

(6) Use any vile, obscene or indecent language; or

(7) Reserved

(8) Absent himself or remain away, without authority of his parents or tutor, from his home or place of abode; or

(9) Violate any state law or ordinance; or

(10) Visit any place where sexually indecent and obscene material of any nature, is offered for sale, displayed or exhibited.

B. Lack of knowledge of the juvenile's age shall not be a defense.

§93.1. Model glue; use of; unlawful sales to minors (Source: R.S. 14:93.1)

A. As used in the Section:

(1) "Model glue" means any glue or cement of the type commonly used in the building of model airplanes, boats and automobiles and which contains one or more of the following volatile solvents: (a) toluol, (b) hexane, (c) trichlorethylene, (d) acetone, (e) toluene, (f) ethyl acetate, (g) methyl ethyl ketone, (h) trichlorochthane, (i) isopropanol, (j) methyl isobutyl ketone, (k) methyl cellosolve acetate, (l) cyclohexanone, or (m) any other solvent, material, substance, chemical or combination thereof having the property of releasing toxic vapors.

(2) "Abuse of toxic vapors" means to smell or inhale the fumes of any solvent, material, substance, chemical or combinations thereof having the property of

releasing toxic vapors for the purpose of causing a condition of, or inducing a symptom included in Subsection B of this Section.

B. It shall be unlawful for any person to intentionally smell or inhale the fumes of any type of model glue or the fumes of toxic vapors for the purpose of causing a condition of, or inducing symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction or dulling of the senses or nervous system; or for the purpose of, in any manner, changing, distorting or disturbing the audio, visual or mental processes; provided, however, that this Section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

C. It shall be unlawful for any person to sell any type of model glue to a minor for any reason whatsoever.

D. It shall be unlawful for any person to sell or otherwise transfer possession of any type of model glue to any minor for any purpose whatsoever, unless the minor receiving possession of the model glue is the child or ward of and under the lawful custody of the vendor, donor or transferor of the glue.

E. Whoever violates this Section shall be fined not less than twenty-five dollars nor more than one hundred dollars or imprisoned for not more than sixty days for each such offense or both.

§93.2. Tattooing and body piercing minors (Source: R.S. 14:93.2)

It is unlawful for any person to tattoo or body pierce any other person under the age of eighteen without the consent of the parents of such person. Whoever violates this Section shall be fined not less than one hundred dollars no more than five hundred dollars or be imprisoned for not less than thirty days nor more than sixty days, or both.

§93.2.1. Child desertion (Source: R.S. 14:93.2.1)

It shall be unlawful for any person to commit child desertion. Child desertion is the intentional or criminally negligent exposure of a child under the age of ten years, by a person who has the care, custody, or control of the child, to a hazard or danger against which the child cannot reasonably be expected to protect himself, or the desertion or abandonment of such child, knowing or having reason to believe that the child could be exposed to such hazard or danger.

§93.10. Definitions (Source R.S. 14:93.10)

For purposes of Sections 93.10 through 93.13, the following definitions shall apply:

(1) "Purchase" means acquisition by the payment of money or other consideration. Purchase does not include such acquisition for medical purposes either when purchased as over the counter medication or when prescribed or administered by a licensed physician, pharmacist, dentist, nurse, hospital, or medical institution.

(2) "Public possession" means the possession of any alcoholic beverage for any reason, including consumption, on any street or highway or in any public place or any place open to the public, including a club which is de facto open to the public. "Public possession" does not include the following:

(a) The possession or consumption of any alcoholic beverage:

(i) For an established religious purpose.

(ii) When a person under twenty-one years of age is accompanied by a parent, spouse, or legal guardian twenty-one years of age or older.

(iii) For medical purposes when purchased as an over the counter medication, or when prescribed or administered by a licensed physician, pharmacist, dentist, nurse, hospital, or medical institution.

(iv) In private residences.

(b) The sale, handling, transport, or service in dispensing of any alcoholic beverage pursuant to lawful ownership of an establishment or to lawful employment of a person under twenty-one years of age by a duly licensed manufacturer, wholesaler, or retailer of beverage alcohol.

(3) "Alcoholic beverage" means beer, distilled spirits, and wine containing one-half of one percent or more of alcohol by volume. Beer includes but is not limited to ale, lager, porter, stout, sake, and other similar fermented beverages brewed or produced from malt wholly or in part or from any substitute therefor. Distilled spirits include alcohol, ethanol, or spirits or wine in any form, including all dilutions and mixtures thereof from whatever process produced.

§93.11. Unlawful sales to persons under twenty-one (Source R.S. 14:93.11)

A. Unlawful sales to persons under twenty-one is the selling or otherwise delivering for value of any alcoholic beverage to any person under twenty-one years of age unless such person is the lawful owner or lawful employee of an establishment to which the sale is being made and is accepting such delivery pursuant to such ownership or employment. Lack of knowledge of the person's age shall not be a defense.

B. Whoever violates this Section shall be fined not more than five hundred dollars or imprisoned for not less than thirty days nor more than sixty days, or both.

§93.12. Purchase and public possession of alcoholic beverages; exceptions; penalties (Source R.S. 14:93.12)

A. It is unlawful for any person under twenty-one years of age to purchase or have public possession of any alcoholic beverage.

B.(1) Whoever violates this Section shall be fined not more than two hundred dollars or imprisoned for not more than sixty days, or both.

(2) Any person apprehended while violating this Section shall be issued a citation by the apprehending law enforcement officer, which shall be paid in the same manner as provided for the offenders of local traffic violations.

§93.13. Unlawful purchase of alcoholic beverages by persons on behalf of persons under twenty-one (Source: R.S. 14:93.13)

A. It is unlawful for any person, other than a parent or legal custodian as specified in Section 81(2)(a)(ii), to purchase on behalf of a person under twenty-one years of age any alcoholic beverage.

B. Whoever violates this Section shall be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both.

§93.14. Misrepresentation of age to obtain alcoholic beverages or gain entry to licensed premises (Source: R.S. 14:333)

A. It shall be unlawful for any person under the age of twenty-one years to present or offer to any person having a license or permit to sell alcoholic beverages, under state law and municipal ordinance, or to his agent or employee

any written, printed or photostatic evidence of age and identity which is false, fraudulent, or not actually his own for the purpose of obtaining or purchasing alcoholic beverages or attempting to enter the licensed premises.

B. Whoever violates this Section shall be fined not more than two hundred dollars, ordered to an appropriate amount of community service not to exceed thirty hours, or both.

PART IX. OFFENSES AFFECTING THE GENERAL PUBLIC

§94. Discharging firearm (Source: R.S. 32:292; R.S. 38:213.1)

A. It shall be unlawful for any person to discharge any firearm; except for law enforcement officer in the discharge of his official duties or a person acting in the necessary defense of life or property.

§95. Reserved

§95.4. Consent to search; alcoholic beverage outlet (Source: R.S. 14:95.4)

A. Any person entering an alcoholic beverage outlet as defined herein, by the fact of such entering, shall be deemed to have consented to a reasonable search of his person for any firearm by law enforcement officer or other person vested with police power, without the necessity of a warrant.

B. For purposes of this Section, "alcoholic beverage outlet" means any commercial establishment in which alcoholic beverages of either high or low alcoholic content are sold in individual servings for consumption on the premises, whether or not such sales are the primary purpose or are an incidental purpose of the business of the establishment.

C. An "alcoholic beverage outlet" licensed to sell firearms or containing an indoor shooting gallery shall be exempt from this Section in those areas designated for the sale of firearms or the shooting gallery.

D. An "alcoholic beverage outlet" shall not include a restaurant if a majority of its gross receipts are from sales of food and non-alcoholic beverages.

E. The owner of the alcoholic beverage outlet shall post a sign, at or near the entrance, that states that by the fact of entering these premises a person shall be deemed to have consented to a reasonable search of his person for any firearm by a law enforcement officer or other person vested with police power, without the necessity of a warrant.

§95.5. Possession of firearm on premises of alcoholic beverage outlet (Source: R.S. 14:95.5)

A. It shall be unlawful for any person intentionally possess a firearm while on the premises of an alcoholic beverage outlet.

B. "Alcoholic beverage outlet" as used herein means any commercial establishment in which alcoholic beverages of either high or low alcoholic content are sold in individual servings for consumption on the premises, whether or not such sales are a primary or incidental purpose of the business of the establishment.

C. This Section shall not apply to the owner or lessee of an alcoholic beverage outlet, or to an employee of such owner or lessee, or to a law enforcement officer or other person vested with law enforcement authority acting in the performance of his official duties.

§95.6. Firearm-free zone; offenses regarding signs (Source: R.S. 14:95.6)

A. It is unlawful for any person to cover, remove, deface, alter, or destroy any sign or other marking identifying a firearm-free zone. A "firearm-free zone" is an area inclusive of any school campus and within one thousand feet of any such school campus, and within a school bus.

B. For purposes of this Section:

(1) "School" means any public or private elementary, secondary, high school, or vocational technical school, college, or university.

(2) "School campus" means all facilities and property within the boundary of the school property.

(3) "School bus" means any motor bus being used to transport children to and from school or in connection with school activities.

§95.7. Possession of or dealing in firearms with obliterated number or mark (Source: R.S. 14:95.7)

A. No person shall intentionally receive, possess, carry, conceal, buy, sell, or transport any firearm from which the serial number or mark of identification has been obliterated.

B. This Section shall not apply to any firearm which is any antique or war relic and is inoperable or for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade, or which was originally manufactured without such a number.

§96. State highway regulatory act adopted (Source: R.S. 32:41)

A. Pursuant to authority granted by law, the municipality adopts the provisions of Chapter 1 of Title 32 of the Louisiana Revised Statutes of 1950 (Louisiana Highway Regulatory Act) and all regulations of the State Department of Transportation and Development and the secretary of the Department of Public Safety and Corrections adopted pursuant thereto, except for such provisions and regulations which by their nature can have no application and except as otherwise provided in this Code.

B. It shall be unlawful for any person to violate any provision adopted in Section A on any street, highway, or other public way.

§97. Simple obstruction of a highway of commerce (Source: R.S. 14:97)

Simple obstruction of a highway of commerce is the intentional or criminally negligent placing of anything or performance of any act on any railway, railroad, navigable waterway, road, highway, thoroughfare, or runway of an airport, which will render movement thereon more difficult. Whoever commits simple obstruction of a highway of commerce shall be fined not more than two hundred dollars, or imprisoned for not more than sixty days, or both.

§98. Obstruction of drive

A. It shall be unlawful to obstruct a private drive of another without the authorization of the owner, intentionally or in a criminally negligent manner.

B. Whoever commits obstruction of drive shall be fined not more than one hundred dollars, or imprisoned for not more than thirty days, or both.

§98.3 Operating a vehicle while under suspension for certain prior offenses

A. It shall be unlawful to operate a motor vehicle on a public street where the operator's driving privileges have been suspended under state law. It shall not be a violation of this Section when a person operates a motor vehicle to obtain emergency medical care for himself or any other person.

B. Whoever violates this Section shall be imprisoned for not less than fifteen days nor more than sixty days without benefit of suspension of imposition or execution of sentence, except as provided in Subsection C.

C. When the operator's driving privileges were suspended for manslaughter, vehicular homicide, or negligent homicide, the offender shall be imprisoned for sixty days without benefit of suspension of imposition or execution of sentence.

§99. Reckless operation of a vehicle (Source: R.S. 14:99)

A. Reckless operation of vehicle is the operation of any motor vehicle, aircraft, vessel, or other means of conveyance in a criminally negligent or reckless manner.

§100. Hit and run driving (Source: R.S. 14:100)

A. It shall be unlawful for any person to commit hit and run driving. Hit and run driving is the intentional failure of the driver of a vehicle involved in or causing any accident where none of the following conditions are met:

(1) Death or serious bodily injury is a direct result of the accident.

(2) The driver knew or must have known that the vehicle he was operating was involved in an accident or that his operation of the vehicle was the direct cause of an accident.

(3) The driver had been previously convicted of any of the following:

(a) A violation of R.S. 14:98, or a law or an ordinance of any state or political subdivision prohibiting operation of any vehicle or means of transportation or conveyance while intoxicated, impaired, or while under the influence of alcohol, drugs, or any controlled dangerous substance on two or more occasions within ten years of this offense.

(b) A violation of R.S. 14:32.1-vehicular homicide.

(c) A violation of R.S. 14:39.1-vehicular negligent injuring.

(d) A violation of R.S. 14:39.2-first degree vehicular negligent injuring.

B. For the purpose of this Section:

(1) "To give his identity" means that the driver of any vehicle involved in any accident shall give his name, address, and the license number of his vehicle, or shall report the accident to the police.

(2) "Serious bodily injury" means bodily injury which involves unconsciousness, extreme physical pain, or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death.

(3) "Vehicle" includes a watercraft.

(4) "Accident" means an incident or event resulting in damage to property or injury to person.

§100.1. Obstructing public passages (Source: R.S. 14:100.1)

A. It shall be unlawful for any person to wilfully obstruct the free, convenient, and normal use of any public sidewalk, street, highway, bridge, alley, road, or other passageway, or the entrance, corridor or passage of any public building, structure, water craft or ferry, by impeding, hindering, stifling, retarding or restraining traffic or passage thereon or therein.

B. This Section shall not be applicable to the erection or construction of any barricades or other forms of obstructions as a safety measure in connection with construction, excavation, maintenance, repair, replacement or other work, in or adjacent to any public sidewalk, street, highway, bridge, alley, road, or other passageway, nor to the placing of barricades or other forms of obstruction by governmental authorities, or any officer or agent thereof, in the proper performance of duties.

§100.2. Regulating motor vehicle on parking lot

A. It shall be unlawful for any person to operate a motor vehicle at a speed in excess of fifteen miles per hour on any lot or plot of ground used by a business open to the public for the purpose of parking motor vehicles. This speed limit applies even though a place of business providing the parking lot is closed at the time of the operation of the motor vehicle.

B. It shall be unlawful for any person to operate a motor vehicle on any lot or plot of ground used by a business open to the public for the parking of motor vehicles in such a manner as to needlessly endanger life or property.

§100.3. Processions, marches, parades or demonstrations; permits; liability; bond; exemptions; penalties (Source: R.S. 14:326)

A. Any procession, march, parade, or public demonstration of any kind or for whatever purpose is prohibited by any group, association, or organization on any public sidewalk, street, highway, bridge, alley, road, or other public passageway of the municipality unless there first has been obtained a permit therefor, and in all cases the person or the group, association, or organization to whom the permit is issued shall be liable for all damage to property or persons which may arise out of or in connection with any such procession, march, parade, or public demonstration for which a permit is issued.

B. Application for the permit required herein shall be made to the mayor and governing authority of the municipality. Permits may be granted by the authority. However, bond in the amount established by the governing authority shall first be filed with the mayor and municipal governing authority as security for the payment of any damage or injury which may occur as the result of or in connection with such procession, march, parade, or public demonstration.

C. This Section shall apply to all groups, associations, or organizations regardless of race, creed, color, or political beliefs of its members. However, nothing contained herein shall apply to a bona fide legitimate labor organization or professional firefighter or police association or to any lawful activity of a labor union permitted by law, nor shall these provisions apply to any procession or parade directly held or sponsored by the governing authority of the municipality nor shall these provisions apply to any procession, march, or parade directly held or sponsored by a bona fide organization specifically for the celebration of Mardi Gras and/or directly related pre-lenten or carnival festivities, school parades, or other functions, parish parade or other functions, state, parish or municipal fairs or other such related activities.

§101. Desecration of graves (Source: R.S. 14:101)

It shall be unlawful for any person to commit desecration of graves. Desecration of graves is the:

(1) Unauthorized opening of any place of interment, or building wherein the dead body of a human being is located, with the intent to remove or to mutilate the body or any part thereof, or any article interred or intended to be interred with the said body; or

(2) Intentional or criminally negligent damaging in any manner, of any grave, tomb, or mausoleum erected for the dead.

§103. Disturbing the peace (Source: R.S. 14:103)

A. Disturbing the peace is the doing of any of the following in such manner as would foreseeably disturb or alarm the public:

(1) Engaging in a fistic encounter; or,

(2) Reserved

(3) Appearing in an intoxicated condition; or

(4) Engaging in any act in a violent and tumultuous manner by any three or more persons; or

(5) Holding of an unlawful assembly; or

(6) Interruption of any lawful assembly of people.

(7) Intentionally engages in any act or any utterance, gesture, or display designed to disrupt a funeral, funeral home viewing, funeral procession, wake, memorial service, or burial of a deceased person.

(8) Intentionally blocks, impedes, inhibits, or in any other manner obstructs or interferes with access into or from any building or parking lot of a building in which a funeral, wake, memorial service, or burial is being conducted, or any burial plot or the parking lot of the cemetery in which a funeral, wake, memorial service, or burial is being conducted.

B. Whoever commits the crime of disturbing the peace shall be fined not more than one hundred dollars or imprisoned for not more than sixty days, or both.

§103.1. Emanation of excessive sound or noise; exceptions; penalties (Source: R.S. 14:103.1)

A. No person shall operate or permit the operation of any sound amplification system which emanates unreasonably loud or excessive sound or noise which is likely to cause inconvenience or annoyance to persons of ordinary sensibilities, when both the following exist:

(1) The sound amplification system is located in or on any motor vehicle on a public street, highway, or public parks.

(2) The sound or noise emanating from the sound amplification system is audible at a distance of greater than twenty-five feet which exceeds eighty-five decibels.

B. This Section do not apply to the use of a horn, alarm, or other warning device which has as its purpose the signaling of unsafe or dangerous situations or to summon the assistance of law enforcement when used for such purpose, or when used in conjunction with a permitted event.

C. Whoever violates a provision of this Section shall be fined two hundred dollars for a first offense, and not less than three hundred dollars nor more than five hundred dollars for second and subsequent offenses.

D.(1) Upon conviction for a first offense, the court may order the violator to surrender to the law enforcement agency that arrested the violator or reported the violation the driver's license of the driver involved in the violation for a period not to exceed thirty days. The violator shall be responsible for the retrieval of his driver's license from the law enforcement agency after the expiration of the period of surrender.

(2) Upon conviction for a second or subsequent offense, the court may order the violator to surrender to the law enforcement agency that arrested the violator or reported the violation the driver's license of the driver involved in the violation for a period not less than thirty days nor more than ninety days. The violator shall be responsible for the retrieval of his driver's license from the law enforcement agency after the expiration of the period of surrender.

§103.3. Noise

A. It shall be unlawful for any person to make, continue, or cause to be made or continued any unnecessary noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others.

B. The following acts are declared to be unnecessary noises or noises in violation of this Section, namely:

(1) Musical instrument. The playing of any musical instrument in such a manner or with such volume, particularly between the hours of 11 P.M. and 7 A.M., as to annoy or disturb the quiet, comfort, or repose of persons of ordinary sensibilities in any office, hospital or dwelling, hotel, or other type of residence, or of any person in the immediate vicinity.

(2) Yelling, shouting, etc. Yelling, shouting, hooting, whistling, or singing on a public street, particularly between the hours of 11 P.M. and 7 A.M., or any time or place so as to annoy or disturb the quiet, comfort, or repose of persons of ordinary sensibilities in any hospital, dwelling, hotel, or other type of residence, or of any person in the immediate vicinity.

(3) Animals, birds, etc. The keeping of any animal, bird, or fowl which by causing frequent or long-continued noise shall disturb the comfort or repose of any person of ordinary sensibilities in the immediate vicinity.

(4) Defect in vehicle or load. The use of any automobile or other vehicle so out of repair or loaded in such manner as to create loud or unnecessary grating, grinding, rattling or other noise.

(5) Steam whistles. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work, or as a warning of fire or danger, or upon the request of proper authorities.

(6) Exhausts. The discharge into the open air of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(7) Construction and repairing of buildings. The erection (including excavating), demolition, alteration, or repair of any building in any residential district or section or the excavation or repair of street, or highway in any residential district or section, other than between the hours of 7 A.M. and 6 P.M., on week days, except in case of urgent necessity, in the interest of public health and safety, and then only with a permit from municipality, which permit may be granted for a period not to exceed thirty (30) days while the emergency continues. If the municipality should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of a building or the

excavation or repair of street, or highway between the hours of 6 P.M. and 7 A.M., and if it shall further determine that loss or inconvenience would result to any party in interest, it may grant permission for such work to be done within the hours of 6 P.M. and 7 A.M. upon application being made at the time the permit for the work is awarded or during the progress of the work.

(8) Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court while the same are in use or adjacent to any hospital or nursing home, which unreasonably interferes with the working of such institution, provided the same is conspicuously identified as a school, hospital, court, or nursing home.

(9) Loading, unloading. The creation of a loud and excessive noise in connection with loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and containers.

(10) Hawkers, peddlers and vendors. The shouting or crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.

C. None of the terms or prohibitions in this Section shall apply to or be enforced against:

(1) Any publicly owned vehicle while engaged upon necessary public business.

(2) The reasonable use of amplifiers in the course of public addresses which are non-commercial in character, and for which a permit is first obtained from the municipality.

§104. Keeping a disorderly place (Source: R.S. 14:104)

It shall be unlawful for any person to commit keeping a disorderly place. Keeping a disorderly place is the intentional maintaining of a place to be used habitually for any illegal purpose.

§105. Letting a disorderly place (Source: R.S. 14:105)

It shall be unlawful for any person to commit letting a disorderly place. Letting a disorderly place is the granting of the right to use any premises knowing that they are to be used as a disorderly place, or allowing the continued use of the premises with such knowledge.

§106. Abandoning or discarding ice boxes or other air tight containers (Source: R.S. 14:324)

It shall be unlawful for any person, firm, or corporation to leave outside of any building or dwelling in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator, or any other container of any kind which has an airtight door or doors, or which may not be released for opening from the inside of said icebox, refrigerator, or container. It shall further be unlawful for any person, firm, or corporation, to leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator, or any other container of any kind which is airtight and has a snap lock or other device thereon without first removing said snap lock or locks, or door or doors, from said icebox, refrigerators, or containers.

§106.2. Sexual acts prohibited in public; penalties (Source: R.S. 14:106.2)

A. It shall be unlawful for any person to engage in vaginal, anal, or oral sexual intercourse in any public place or place open to the public view for the purpose of gaining the attention of the public.

B. Whoever violates a provision of this Section shall be fined five hundred dollars and imprisoned for not less than ten days. At least ten days of the sentence imposed shall be served without benefit of probation or suspension of sentence.

§107. Vagrancy (Source: R.S. 14:107)

The following persons shall be guilty of vagrancy:

(1) Persons who live in houses of ill fame or who habitually associate with prostitutes; or

(2) Able-bodied persons who beg or solicit alms, provided that this Section shall not apply to persons soliciting alms for bona fide religious, charitable, or eleemosynary organizations with the authorization thereof; or

(3) Habitual gamblers or persons who for the most part maintain themselves by gambling; or

(4) Able-bodied persons without lawful means of support who do not seek employment and take employment when it is available to them; or

(5) Able-bodied persons of the age of majority who obtain their support gratis from persons receiving old age pensions or from persons receiving welfare assistance from the state; or

(6) Prostitutes. Whoever commits vagrancy shall be fined not more than two hundred dollars, or imprisoned for not more than sixty days, or both.

§108. Resisting an officer (Source: R.S. 14:108)

A. It shall be unlawful for any person to commit resisting an officer. Resisting an officer is the intentional interference with, opposition or resistance to, or obstruction of an individual acting in his official capacity and authorized by law or ordinance to make a lawful arrest, lawful detention, or seizure of property or to serve any lawful process or court order when the offender knows or has reason to know that the person arresting, detaining, seizing property, or serving process is acting in his official capacity.

B. (1) The phrase "obstruction of" as used herein shall, in addition to its common meaning, signification, and connotation mean the following:

(a) Flight by one sought to be arrested before the arresting officer can restrain him and after notice is given that he is under arrest.

(b) Any violence toward or any resistance or opposition to the arresting officer after the arrested party is actually placed under arrest and before he is incarcerated in jail.

(c) Refusal by the arrested or detained party to give his name and make his identity known to the arresting or detaining officer or providing false information regarding the identity of such party to the officer.

(d) Congregation with others on a public street and refusal to move on when ordered by the officer.

(2) The word "officer" as used herein shall include municipal police officers, deputy sheriffs, probation and parole officers, state police officers, and wildlife enforcement agents.

§108.1. Flight from an officer (Source: R.S. 14:108.1)

No driver of a motor vehicle shall intentionally refuse to bring a vehicle to a stop knowing that he has been given a visual and audible signal to stop by a police officer when the officer has reasonable grounds to believe that the driver has committed an offense. The signal shall be given by an emergency light and a siren on a vehicle marked as a police vehicle.

§109. Cruelty to Animals

Cruelty to animals is the intentional or criminally negligent mistreatment of any animal by any act, or omission whereby unjustifiable physical pain, suffering or death is caused or permitted upon said animal.

§110. Interference with medical treatment (Source: R.S. 14:332)

A. Interference with medical treatment is the intentional and willful interference with a physician, physician's trained assistant, nurse, nurse's aide, paramedic, emergency medical technician, or other medical or hospital personnel in the performance of their duties relating to the care and treatment of patients in any hospital, clinic or other medical facility, or at the scene of a medical emergency.

B. Whoever violates this Section shall be fined not less than one hundred dollars or more than two hundred and fifty dollars upon conviction of a first offense, and not less than two hundred fifty dollars or more than five hundred dollars or ten days in jail, or both, upon conviction of any subsequent offense.

§111. Littering (Source: R.S. 30:2531, 2531.1)

A. It shall be unlawful for any person to throw, drop, deposit, discard, permit the intentional or accidental ejection, emission, or escape of, or otherwise dispose of litter upon any public place, upon private property not owned by him, or in or on the waters, whether from a vehicle or otherwise, including but not limited to any public highway, public right-of-way, public park, beach, campground, recreational area, trailer park, highway, road, street, or alley, except:

(1) When such property is designated by the state or by any of its agencies or political subdivisions or by the municipality for the disposal of garbage and refuse and such person is authorized to use such property for such purpose.

(2) When litter is placed into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any parts of said private or public property or waters.

B. If the throwing, dumping, or depositing of litter was done from a motor vehicle, except a bus or large passenger vehicle, boat, or conveyance, except a bus or large passenger vehicle or a school bus, all as defined in R.S. 32:1, it shall be prima facie evidence that the throwing, dumping, or depositing was done by the driver of the conveyance. Likewise, once it is established that thrown, dumped, or deposited litter was possessed by a specific person, firm, or corporation, immediately before the act of dumping, there shall be a permissive rebuttable presumption that the possessor committed the act of throwing, dumping, or depositing.

C. The offender shall be cited for the offense by means of a ticket, summons, or other means provided by law.

D. (1) Whoever violates this Section shall, upon first conviction, be fined not less than fifty dollars nor more than five hundred dollars.

(2) Upon second conviction, an offender shall be fined not less than three hundred dollars nor more than five hundred dollars and sentenced to serve eight hours of community service in a litter abatement work detail as approved by the mayor's court.

(3) Upon third or subsequent conviction, an offender shall be fined five hundred dollars, be imprisoned for not more than sixty days, or sentenced to serve twenty-four hours of community service in a work detail as approved by the mayor's court, or all or any combination of the aforementioned penalties.

(4) The presiding officer of the mayor's court may require an individual convicted of a violation of this Section to remove litter from highways, public rights-of-way, public playgrounds, public parks, or other appropriate locations within the municipality for any prescribed period of time in lieu of or in addition to the penalties prescribed in this Section.

E.(1) A person may be found guilty and fined under this Section although the commission of the offense did not occur in the presence of a law enforcement officer if the preponderance of the evidence presented to the court indicates that the defendant has committed the offense.

(2) When litter dumped in violation of this Section is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings which display the name of a person or in any other manner indicates that the article belongs or belonged to such person, it shall be a permissive rebuttable presumption that such person has violated this Section.

§112. False personation (Source: R.S. 14:112)

False personation is the performance of any of the following acts with the intent to injure or defraud, or to obtain or secure any special privilege or advantage:

(1) Impersonating any public officer, or private individual having special authority by law to perform an act affecting the rights or interests of another, or the assuming, without authority, of any uniform or badge by which such officer or person is lawfully distinguished; or

(2) Performing any act purporting to be official in such assumed character. Whoever commits false personation shall be fined not more than one hundred dollars, or imprisoned for not more than sixty days, or both.

PART X. OFFENSES AFFECTING PUBLIC AUTHORITY

§116. Flag desecration (Source: R.S. 14:116)

Flag desecration is the act of any person who shall intentionally, in any manner, for exhibition or display:

(1) Place or cause to be placed any word, mark, design or advertisement of any nature upon any flag; or

(2) Expose to public view any flag, upon which has been printed or otherwise produced, or to which shall have been attached any such word, mark, design, or advertisement; or

(3) Expose to public view, or have in possession for sale or any other purpose, any article of merchandise, or thing for holding or carrying merchandise, upon or to which shall have been produced or attached any flag, in order to advertise, call attention or to decorate such article; or

(4) Publicly mutilate, defile, or by word or act cast contempt upon any flag. The word "flag" as used herein shall mean any duly authorized flag, shield, standard, color, or ensign of the United States, the state, or the Confederate States of America, or any copy thereof. Whoever commits flag desecration shall be fined not more than one hundred dollars, or imprisoned for not more than sixty days, or both.

§117. Flag desecration; exceptions (Source: R.S. 14:117)

The flag desecration Section shall not apply to any act permitted by federal or state law, or other ordinance, or by the United States army and navy regulations; nor shall it apply to the depicting of a flag upon any document, stationery, ornament, picture, or jewelry, with no design or word thereon and disconnected with any advertisement.

§117.1. Paramilitary organizations; prohibitions (Source: R.S. 14:117.1)

A. It shall be unlawful for any paramilitary organization, or any member thereof, to train.

B.(1) For the purposes of this Section, "paramilitary organization" shall mean a group organized in a military or paramilitary structure, consisting of two or more persons who knowingly possess firearms or other weapons and who train in the use of such firearms or weapons, or knowingly teach or offer to teach the use of such firearms or weapons to others, for the purpose of committing an offense under state law or municipal ordinance.

(2) It shall not include a law enforcement agency, the armed services or reserve forces of the United States, the Louisiana National Guard, or any other organization that may possess firearms and train with such firearms, or teach or offer to teach the use of such firearms to others, for a lawful purpose.

§118. Gunshot wounds; mandatory reporting (Source: R.S. 14:403.5)

A. In every case of a gunshot wound or injury presented for treatment to a medical professional, practitioner, or associated personnel, that professional, practitioner, or associated personnel shall make an oral notification to the chief of police immediately after complying with all applicable state and federal laws, rules, and regulations related to the treatment of emergencies and before the wounded person is released. A written notation of this action shall be made on the emergency record.

B. Any person who fails to file a report, or who knowingly files a false report, under this Section shall be fined not more than five hundred dollars or imprisoned for not more than sixty days, or both.

C. This Section shall not apply to any wounds or injuries received from the firing of an air gun.

§119-122. Reserved

§122.2. Threatening a public officer; penalties; definitions (Source: R.S. 14:122.2)

It shall be unlawful for any person to commit threatening a public officer. Threatening a public officer is engaging in any verbal or written communication which threatens serious bodily injury or death to a public official.

§123. Contempt of court

A. It shall be unlawful for any person to be in contempt of court. Contempt of court is an act or omission tending to obstruct or interfere with the orderly administration of justice, or to impair the dignity of the city's Magistrate Court (Mayor's Court) or respect for its authority. Contempts of court are of two kinds, direct and constructive.

B. A direct contempt of court is one committed in the immediate view and presence of the court and of which it has personal knowledge. A direct contempt of court includes, but is not limited to, any of the following acts:

(1) Contumacious failure, after notice, to appear for arraignment or trial on the day fixed therefor.

(2) Contumacious failure to comply with a subpoena or summons to appear in court, proof of service of which appears of record.

(3) Refusal to take the oath or affirmation as a witness, or refusal of a witness to answer a non-incriminating question when ordered to do so by the court.

(4) Contumacious, insolent, or disorderly behavior toward the judge or an attorney or other officer of the court, tending to interrupt or interfere with the business of the court or to impair its dignity or respect for its authority.

(5) Breach of the peace, boisterous conduct, or violent disturbance tending to interrupt or interfere with the business of the court or to impair its dignity or respect for its authority.

(6) Use of insulting, abusive, or discourteous language by an attorney or other person in open court, or in a document filed with the court in irrelevant criticism of another attorney or of a judge or officer of the court.

(7) Violation of a rule of the court adopted to maintain order and decorum in the court room.

(8) Contumacious failure, after notice to comply with the orders or sentences of the Magistrate Court.

C. A person who has committed a direct contempt of court may be found guilty and punished therefor by the court without any trial, after affording him an opportunity to be heard orally by way of defense or mitigation. The court shall render an order reciting the facts constituting the contempt, adjudging the person guilty thereof, and specifying the punishment imposed.

D. A constructive contempt of court is any contempt other than a direct one. A constructive contempt includes, but is not limited to any of the following acts:

(1) Willful neglect or violation of duty by the clerk, marshal, or other person elected, appointed, or employed to assist the court in the administration of justice.

(2) Willful disobedience of any lawful judgment, order, mandate, writ, or process of court.

(3) Removal or attempted removal of any person or of property in the custody of an officer acting under the authority of a judgment, order, mandate, writ, or process of the court.

(4) Unlawful detention of a witness, the defendant or his attorney, or the prosecutor, while going to, remaining at, or returning from the court.

(5) Assuming to act as an attorney or other officer of the court, without lawful authority.

E. (1) When a person is charged with committing a constructive contempt, he shall be tried by the judge on a rule to show cause alleging the facts constituting the contempt. The rule may be issued by the court on its own motion, or on motion of the prosecutor.

(2) A certified copy of the motion and of the rule shall be served on the person charged, in the manner of a subpoena, not less than forty-eight hours prior to the time assigned for trial of the rule.

(3) If the person charged with contempt is found guilty, the court shall render an order reciting the facts constituting the contempt, adjudging the person charged with the contempt guilty thereof, and specifying the punishment imposed.

F. Penalties for contempt.

(1) A person adjudged guilty of contempt of court shall be subject to a fine of not more than five hundred dollars, or by imprisonment for not more than sixty days, or both, for each and every offense.

(2) When an attorney is adjudged guilty of a direct contempt of court, the punishment shall be limited to a fine of not more than one hundred dollars, or imprisonment for not more than twenty-four hours, or both; and, for any subsequent direct contempt of the same court by the same offender, a fine of not more than two hundred dollars, or imprisonment for not more than ten days, or both.

(3) When a contempt of court consists of the omission to perform an act which is yet in the power of the person charged with contempt to perform, he may be imprisoned until he performs it, and in such a case this shall be specified in the court's order.

§124. False testimony

It shall be unlawful for any person to give false testimony or evidence in proceedings before the municipal court.

§125. False swearing (Source: R.S. 14:125)

It shall be unlawful for any person to commit false swearing. False swearing is the intentional making of a written or oral statement, known to be false, under sanction of an oath or an equivalent affirmation, where such oath or affirmation is required by law or ordinance. However, this Section shall not apply where such false statement is made in, or for use in, a judicial proceeding or any proceeding before a board or official, wherein such board or official is authorized to take testimony.

§126. Inconsistent statements; false swearing (Source: R.S. 14:126)

It shall constitute false swearing whenever any person, having made a statement under sanction of an oath, or an equivalent affirmation, required by law or ordinance, shall thereafter swear or affirm in a manner materially contradictory of or inconsistent with his former sworn or affirmed statement. It shall not be necessary for the prosecution, in such case, to show which of the contradictory or inconsistent statements was false; but it shall be an affirmative defense that at the time he made them, the accused honestly believed both statements to be true.

§127. Limitation of defenses (Source: R.S. 14:127)

It is no defense to a prosecution for false swearing:

(1) That the oath, or affirmation, was administered or taken in an irregular manner; or

(2) That the accused was not competent to give the testimony, deposition, affidavit or certificate of which falsehood is alleged; or

(3) That the accused did not know the materiality of the false statement made by him, or that it did not in fact affect the proceeding in or for which it was made.

§128. Completion of affidavit (Source: R.S. 14:128)

The making of a deposition, affidavit, or certificate is deemed to be complete, within the provisions of this Chapter, from the time when it is delivered by the accused to any other person, with intent that it be uttered or published as true.

§129. Illegal Fireworks

- 1) Definition. The term "pyrotechnics," whenever used in this section, shall be held to mean any sparkler, squib, rocket, firecracker, roman candle, signal lights, fireworks, or other devices or composition used to obtain visible or audible pyrotechnic display.
- (2) Possession or sale prohibited. It shall be unlawful for any person to have, keep, store, use, manufacture, offer to sell, handle or transport any pyrotechnics within the corporate limits except as herein provided, it being the intention of this section to prohibit the sale of, distribution of, or discharge of pyrotechnics of any kind or description whatsoever within the corporate limits.
- (3) Exceptions. Nothing contained in this section shall be held to apply:
 - (a) To the possession or use of signaling devices for current daily consumption by railroads, trucks or vessels requiring them.
 - (b) To the sale, or to the pyrotechnic display of fireworks in public parks or other open places, where a permit for such sale or display has been issued by the City.
- (4) Penalty. Whoever violates the provisions of this section shall be fined not more than one hundred dollars (\$100.00), or confined for not more than thirty (30) days, or both.

§130. Curfew for Minors

- (a) Generally; exceptions. It shall be unlawful for any minor under the age of seventeen (17) years to loiter, idle, wander, walk, stroll or play in or on the public streets, highways, roads, alleys, parks, other public places and public buildings, places of amusements and entertainment, vacant lots or other unsupervised places or otherwise be out in public in the city between the hours of 11:00 p.m. and 5:00 a.m. of the following day; provided, however, that the provisions of this section shall not apply to a minor accompanied by his or her parents, guardian or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or where the minor is in attendance at the supervised activity sponsored by a school, church, the recreation department of the city or by a group of parents, or on the way home from such supervised activities, provided the minor is directly returning to his home from such supervised activities by the shortest route possible.
- (b) Responsibility of parent or guardian. It shall be unlawful for the parent, guardian or other person having the care and custody of a minor under the age of seventeen (17) years to knowingly permit such child to violate any provision of this section.
- (c) Penalty for violation. Any minor violating the provisions of subsection (a) of this section shall be dealt with in accordance with the juvenile laws of the state. Any parent, guardian or other person who shall be found guilty of violating subsection (b) of this section shall be fined not more than two hundred dollars (\$200.00).

§131-133. Reserved

§133.1. Obstruction of court orders (Source: R.S. 14:133.1)

It shall be unlawful for any person by threats or force, or to willfully prevent, obstruct, impede, or interfere with, or to willfully attempt to prevent, obstruct, impede, or interfere with, the due exercise of rights or the performance of duties under any order, judgment, or decree of the municipal court.

§133.2. Misrepresentation during booking (Source: R.S. 14:133.2)

A. Misrepresentation during booking is the misrepresentation of, or refusal by a person being booked to provide his name, age, sex, residence, or social security number to any law enforcement officer or official who is booking him pursuant to a lawful arrest, or the refusal of such person to submit to fingerprinting or photographing.

B. Whoever commits misrepresentation during booking shall be imprisoned for not more than sixty days, provided that any such sentence shall be made to run concurrently with any other sentence.

§133.4. Misrepresentation during issuance of a summons (Source: R.S. 14:133.4)

Misrepresentation during issuance of a summons is the giving of false information to any law enforcement officer preparing such document, by a person being issued a summons and is unlawful.

§133.5. Filing a false complaint against a law enforcement officer (Source: R.S. 14:133.5)

A. Filing a false complaint against a law enforcement officer is knowingly filing, by affidavit under oath, a false statement or false representation with a law enforcement agency regarding the conduct, job performance, or behavior of a law enforcement officer for the purpose of initiating an administrative action against that law enforcement officer.

B. For the purposes of this Section, "law enforcement officer" shall include commissioned police officers, state troopers, sheriffs, deputy sheriffs, marshals, deputy marshals, correctional officers, constables, wildlife enforcement agents, and probation and parole officers.

C. Whoever commits the crime of filing false statements against law enforcement officers shall be fined not more than five hundred dollars or imprisoned not more than sixty days, or both.

§134. Wrongful use of public property (Source: R.S. 14:329.4 et seq.)

A. The wrongful use of public property shall be unlawful. Wrongful use of public property shall include the following:

(1) The intentional entering of or onto any public property without the permission of the lawful custodian thereof, or his designated representative, at any time when the public property is not open to the public and the remaining in or occupying of any public property after having been requested to leave by the lawful custodian thereof, or his designated representative, or any law enforcement or peace officer.

(2) The depriving of the general public of the intended use of public property without a permit.

(3) No serious bodily injury or death or property damage in excess of five thousand dollars results therefrom.

B. The lawful custodian, or his designated representative, may issue a permit if he determines that the use or occupation of the public property will not reasonably interfere with the intended or customary use of the public property by the general

public and that the intended use will not destroy or damage the public property. The permit to occupy or use the public property may be obtained upon written application therefor. The application shall (1) describe the public property sought to be occupied or used, and (2) state the period of time during which the public property will be occupied or used.

C. As used in this section, "public property" means any public land, building, facility, structure, or enclosure used for a public purpose or as a place of public gathering, owned and/or under the control of the municipality or one of its agencies or political subdivisions.

D. Nothing contained in this Section shall apply to a bona fide legitimate labor organization or to any of its legal activities such as lawful picketing, lawful assembly, or concerted activity in the interest of its members for the purpose of accomplishing or securing more favorable wage standards, hours of employment or working conditions.

PART XII: MISCELLANEOUS PROVISIONS

§135-145. Reserved.

Section 2. Article III, Chapter 2 of the Code of Ordinances is hereby amended and re-enacted to read as follows:

§2-71 Established

The City hereby establishes a Magistrate Court.

§2-71 General Provisions

A City Magistrate Judge shall be appointed in accordance with the provisions of La. R.S. 33:441.15, and may be removed by joint action of the appointing and governing authorities. The City Magistrate Judge shall be paid a salary fixed by the governing authority of the City, be reimbursed for actually incurred expenses in accordance with applicable City policies as approved by the Mayor, and shall be subject to the provisions of §§ 2-45 & 48. If the Mayor appoints more than one court magistrate, those subsequently appointed shall be deemed *Ad Hoc* Magistrates and shall be paid a per diem salary to be fixed by the governing authority for any such day they actually act in their appointed capacity. (Magistrate Judge and any duly appointed *ad hoc* Magistrate(s) collectively are hereinafter referred to together as "Magistrate").

The Magistrate shall possess judicial immunity, and may exercise any and all powers of a Mayor's Court as provided by the laws of the State.

§2-73 Days, Times and Places of Holding Court

Magistrate Court will be held at 4:00 p.m. on the third Monday of each month at City Hall, DeQuincy, Louisiana, or on the Tuesday immediately following the third Monday if such was a legal holiday, and at any other days, times and places as the Magistrate may direct.

The City Magistrate Judge shall be generally available to the officers of the City ("on call") for such time sensitive hearings as may be required by the Louisiana Code of Criminal Procedure, including but not limited to La. C.Cr.P. art. 230.2 "48 hour" probable cause hearings for warrantless arrests, and La. C.Cr.P. art. 240.1 "72 hour" arraignments for the purposes of setting bail, and therefore shall be deemed to comply with the requisite employee hours specified in §2-41. The Magistrate shall additionally be available from time to time to execute warrants, writs, and other orders as a committing magistrate under the laws of the State, but the Mayor shall retain the powers of a committing magistrate, including the power

to execute arrest warrants, without any limitation due to the provisions of this section.

§2-74 Clerk and Marshal

A Magistrate Court Clerk (within and for the purposes of only this Article, hereinafter referred to as the “Clerk”) shall be appointed by the Mayor to serve under the direction of the Magistrate. The Clerk shall receive a monthly salary as determined by the governing authority of the City.

The Marshal of the Magistrate Court shall be the DeQuincy Chief of Police, or such other officer as may be designated by the Mayor. The Marshal shall receive no separate compensation for this service. The Marshal shall serve as Bailiff of the City’s Magistrate Court.

§2-75 Costs of Court

The City shall collect costs of fifty (\$50.00) dollars per offense for each person convicted of or pleading guilty to a violation of a municipal ordinance in addition to the fine imposed by the court. These costs shall be payable to the general fund of the City.

In addition, the Magistrate may assess all other court costs or fees allowed or required by the law of the State.

The Magistrate, in its discretion, may suspend all or any part of the court costs.

§2-76 Witness Fee Fund and Related Provisions

In accordance with and pursuant to the provisions of La. R.S. 15:255, the City hereby establishes a witness fee fund, the Magistrate may assess such additional court cost as may be necessary, in the Magistrate’s sole discretion, to fund the expenses required of the witness fee fund. No payment from the fund shall be disbursed without attestation of entitlement by the Clerk.

In accordance with and pursuant to the provisions of La. C.Cr.P. art. 887, the Magistrate shall assess a charge of fifty (\$50.00) dollars for costs associated with serving a bench warrant, this charge shall be assessed in addition to all other fines and court costs and shall be payable to the general fund of the employing agency. If the City is the employing agency, it may pay thirty-five (\$35.00) to the officer as a special reimbursement, and shall retain the balance for its costs. The City shall withhold all applicable taxes from any payments made to an officer under this section, but no retirement contributions should be made or withheld since these payments are special reimbursements and not payable as compensation.

§2-77 Prosecutorial Authority (reference *Corley*, 889 So.2d 364)

As recognized by applicable authority, the Magistrate shall possess both judicial and prosecutorial authority. However, the Magistrate may, at his sole discretion, require that the City Attorney, or a specially appointed assistant, appear and prosecute any case.

§2-78 *Nolle Prosequi* Authority (reference Atty. General’s Op. 97-461)

The Mayor and Magistrate may jointly designate in a signed writing delivered to the Clerk that *nolle prosequi* authority rests with the Marshal of the Magistrate Court, and this authority shall remain in effect until revoked in a writing delivered to the Clerk by either the Mayor or Magistrate. The Marshal shall possess prosecutorial immunity for actions taken pursuant to this authority.

§2-79-80 *Reserved.*

Section 3. The catchline of sections and parenthetical reference to state law as the source of the provisions in this Code are intended to indicate the contents of the section and shall not be deemed or taken to be title of the section nor as any part of the section; nor, unless expressly so provided, shall they be so deemed when any of the sections, including the catchline and parenthetical references, are amended or repealed.

Section 4. The sections, paragraphs, sentences, clauses, and phrases of this Code and ordinance shall be severable; and if any section, paragraph, sentence, clause, or phrase of this Code is declared unconstitutional, illegal, or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, the unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Code or ordinance.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. The repeal of any provision of any ordinance by the enactment of this Code shall not affect any offense committed or act done prior to the effective date of such repeal, or any penalty or forfeiture incurred for an offense committed under the provision repealed or any prosecution or suit pending at the time of such repeal for an offense committed under the provisions repealed.

Section 7. This Code is being adopted pursuant to the provisions of R.S. 33:1361-1369, as amended, and La. Const. art. VI, §5, provided that it is the desire and intent to adopt and enact this Code under any other existing authority.

Section 8. This Ordinance shall be published in the manner required by the City Charter in the official journal of the municipality.

Section 9. This Ordinance shall become effective at 12:00 a.m. on February 1, 2011.

Whereupon, upon its passage by the affirmative vote of a majority of the members of the City Council of DeQuincy; the Chair declared the above Ordinance duly adopted on January 18, 2011.

THUS DONE, PASSED AND ADOPTED on the 18th day of January, 2011.

Andrea Coleman
Chair of the City Council

ATTEST:

Tammy Pinder,
Clerk

APPROVED:

W. LAWRENCE HENAGAN
Mayor of the City of DeQuincy

STATE OF LOUISIANA

PARISH OF CALCASIEU

I, **TAMMY PINDER**, certify that I am the duly qualified and acting Clerk of the City Council and City Clerk of the City of DeQuincy, Louisiana.

I further certify that the above and foregoing is a true and correct copy of an excerpt from the minutes of a public meeting of the City Council of the City of DeQuincy, Louisiana, held on January 18, 2011, insofar as said minutes pertain to the matters therein set out, and that the foregoing copy of an Ordinance adopted at said meeting is a true and correct copy of the original Ordinance, as adopted by the Council and approved by the Mayor and as it is officially of record in my possession.

IN WITNESS WHEREOF, I affix my official signature and the impress of the official seal of the City of DeQuincy, Louisiana on this ___ day of January, 2011.

TAMMY PINDER
City Clerk and Clerk of the Council

[SEAL]