

ST. TAMMANY PARISH COUNCIL

RESOLUTION

RESOLUTION COUNCIL SERIES NO. C-1505

COUNCIL SPONSOR BINDER/BILLIOT

PROVIDED BY LEGAL COUNSEL

RESOLUTION REQUESTING THE LEGISLATURE, THROUGH THE PARISH LEGISLATIVE DELEGATION, TO AMEND LA.R.S. 33:1243, MAXIMUM PENALTIES, TO PROVIDE THAT IN ST. TAMMANY PARISH, A HOME RULE CHARTER PARISH, THE MAXIMUM PENALTY THAT MAY BE IMPOSED FOR VIOLATION OF A PARISH ORDINANCE SHALL BE A FINE OF ONE THOUSAND DOLLARS AND IMPRISONMENT OF SIX MONTHS IN THE PARISH JAIL, EXCEPT IN THOSE INSTANCES WHERE A SPECIFIC STATE STATUTE PLACES A CEILING ON THE PENALTY A MUNICIPALITY OR PARISH MAY EXACT FOR THE PROHIBITED CONDUCT.

WHEREAS, except in those instances where a specific state statute places a ceiling on the penalty a parish or municipality may establish for conduct prohibited as a misdemeanor, home rule charter municipalities within St. Tammany Parish generally have the authority to establish penalties for misdemeanor violations which do not exceed a fine of one thousand dollars or imprisonment for more than six months; and

WHEREAS, La. R.S. 33:1243. Maximum Penalties, paragraph A(1), currently provides that "In any parish with a population of four hundred twenty-five thousand or less, the maximum penalty which may be imposed for violations of any parish ordinance shall be a fine of five hundred dollars and imprisonment of thirty days in the parish jail."; and

WHEREAS, authority to establish maximum penalties for the punishment of criminal conduct that constitutes a misdemeanor should not be determined based upon the boundary separating unincorporated St. Tammany Parish from its incorporated municipalities.

THE ST. TAMMANY PARISH COUNCIL hereby requests that the St. Tammany Parish Legislative Delegation introduce legislation, at the earliest opportunity, to amend the provisions of La.R.S. 33:1243 to provide that, except in those instances where a specific state statute places a ceiling on the penalty a parish or municipality may establish for conduct prohibited as a misdemeanor, in St. Tammany Parish the maximum penalty that may be imposed for violation of any parish ordinance shall be a fine of one thousand dollars and imprisonment of six months.

THIS RESOLUTION HAVING BEEN SUBMITTED TO A VOTE, THE VOTE THEREON WAS AS FOLLOWS:

MOVED FOR ADOPTION BY: \_\_\_\_\_, SECONDED BY: \_\_\_\_\_

YEAS:

NAYS:

ABSTAIN:

ABSENT: