

SENATE BILL NO. 624

BY SENATOR MURRAY

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AN ACT

To amend and reenact R.S. 13:1343 and to enact R.S. 13:621.41(B)(3), 621.41.1, and R.S. 33:1374, relative to the Forty-First Judicial District Court and the Criminal District Court for the parish of Orleans; to provide for an environmental docket for the Forty-First Judicial District Court; to provide terms, conditions, and procedures; to provide with respect to enforcing ordinances and regulations relating to violations with respect to enforcing health, safety and welfare ordinances in Orleans Parish, or otherwise enforcing ordinances relating to violations of public health, housing, fire code, environmental, building code, zoning, historic district, permitting, vegetation and nuisance ordinances in Orleans Parish; to provide for definitions; to authorize the creation of a reentry division of the Forty-First Judicial District Court; to authorize the creation of a reentry division of the Criminal District Court for the parish of Orleans; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:1343 is hereby amended and reenacted and R.S. 13:621.41(B)(3) and 621.41.1 are hereby enacted to read as follows:

§621.41. Forty-First Judicial District

\* \* \*

B.

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**(3) The judges of the Forty-First Judicial District Court, by rule adopted by a majority vote of the judges sitting en banc, may assign a certain division of the court as a reentry division of court. The division shall establish a workforce development sentencing project pilot program. The program shall**

1 establish guidelines for the issuance of sentences providing inmate rehabilitation  
 2 and workforce development. The division of court and sentencing project shall  
 3 work in conjunction with the Louisiana Workforce Commission and all efforts  
 4 shall be coordinated and consistent with the provisions of R.S. 23:1 et seq.

5 \* \* \*

6 §621.41.1. Separate environmental docket of the Forty-First Judicial District  
 7 Court

8 A separate environmental docket of the Forty-First Judicial District  
 9 Court is established and shall be heard by a division of the civil district court,  
 10 into which the public authority, as defined in R.S. 33:1374, or other party may  
 11 request allotment or transfer of cases brought pursuant to R.S. 33:1374.

12 §1343. Allotment of cases among judges; holding of preliminary examination not  
 13 ground for recusation

14 A. All cases pending in the criminal district court shall be allotted equally  
 15 among Sections A, B, C, D, E, F, G, H, I, J, K, and L of the court. Except on  
 16 Sundays, legal holidays, and legal half-holidays, the allotment of cases shall be made  
 17 public by classes daily at noon by the clerk or a deputy clerk selected by him, in the  
 18 presence of the district attorney. The fact the accused was committed for trial at a  
 19 preliminary examination shall not be grounds for the recusation of the trial judge  
 20 who held the preliminary examination.

21 B. The judges of the criminal district court, by rule adopted by a  
 22 majority vote of the judges sitting en banc, may assign a certain division of the  
 23 court as a reentry division of court. The division shall establish a workforce  
 24 development sentencing project pilot program. The program shall establish  
 25 guidelines for the issuance of sentences providing inmate rehabilitation and  
 26 workforce development. The division of court and sentencing project shall  
 27 work in conjunction with the Louisiana Workforce Commission and all efforts  
 28 shall be coordinated and consistent with the provisions of R.S. 23:1 et seq.

29 Section 2. R.S. 33:1374 is hereby enacted to read as follows:

30 §1374. Enforcement of health, safety and welfare ordinances in Orleans Parish

1           A. In addition to the authority for criminal prosecutions provided in R.S.  
2           14:107.3 and other authority provided by law or home rule charter for civil  
3           enforcement of health, safety, and welfare ordinances, including but not limited  
4           to the authority provided in R.S. 13:2575, for administrative adjudication for  
5           violations of public health, housing, fire code, environmental, building code,  
6           zoning, historic district, permitting, vegetation and nuisance ordinance, in  
7           Orleans Parish the public authority may enforce health, safety and welfare  
8           statutes or ordinances or otherwise seek to eliminate blighted property, unsafe  
9           structures and equipment, unlawful structures and structures unfit for human  
10           occupancy, housing violations or public nuisances in any court of competent  
11           jurisdiction in accordance with this Section.

12           B. The following terms, whenever used or referred to in any proceedings  
13           pursuant to this Section or in R.S. 13:2575, shall have the following respective  
14           meanings, unless a different meaning clearly appears from the context:

15           (1) "Blighted property" means commercial or residential premises,  
16           including lots, which are vacant, uninhabitable, and hazardous and because of  
17           their physical condition, are considered hazardous to persons or property, or  
18           have been declared or certified blighted, and have been declared to be a public  
19           nuisance by a court of competent jurisdiction or by an administrative hearing  
20           officer acting pursuant to competent jurisdiction or by an administrative  
21           hearing officer acting pursuant to R.S. 13:2575 et seq., or any other applicable  
22           law.

23           (2) "Deleterious premises" means any property, including any yard,  
24           garden, outhouses, accessory structures and appurtenances belonging thereto,  
25           upon which is located any structure which is deemed an "unsafe structure," an  
26           "unlawful structure," a "structure unfit for human occupancy," or a structure  
27           that contains "unsafe equipment" or "housing violations," or is otherwise  
28           defined as "blighted property," or a "public nuisance."

29           (3) "Housing violations" means those conditions in privately owned  
30           structures which contravene the provisions of state statute or local ordinances

1 and are determined to constitute a threat or danger to the public health, safety,  
2 and welfare or to the environment by a court of competent jurisdiction or by an  
3 administrative hearing officer acting pursuant to R.S. 13:2575 et seq., or any  
4 other applicable law.

5 (4) "Owner" means the holder of the title or a mortgagee of premises,  
6 whose interest is shown on the public record, or any person who is in possession  
7 of premises, or in control of the premises, including a tenant or the agent of any  
8 such person.

9 (5) "Parties in interest" means a person(s) who has an interest in  
10 premises as shown on the public record or who is in possession of premises or  
11 in control of the premises, including a tenant or the agent of any such person.

12 (6) "Public authority" means state or local government or any  
13 department, agency or branch thereof charged with the enforcement of health,  
14 fire, permitting, or building regulations, or otherwise charged with the  
15 regulation of activities concerning property maintenance.

16 (7) "Public nuisance" means any garage, shed, barn, house, building, or  
17 structure, that by reason of the condition in which it is permitted to remain,  
18 may endanger the health, life, limb, or property of any person, or cause any  
19 hurt, harm, damages, injury, or loss to any person in any one or more of the  
20 following conditions:

21 (a) The property is dilapidated, decayed, unsafe, or unsanitary, is  
22 detrimental to health, morals, safety, public welfare and the well-being of the  
23 community, endangers life or property, or is conducive to ill health, delinquency  
24 and crime.

25 (b) The property is a fire hazard.

26 (c) The conditions present on the property and its surrounding grounds  
27 are not reasonably or adequately maintained, thereby causing deterioration and  
28 creating a blighting influence or condition on nearby properties and thereby  
29 depreciating the value, use and enjoyment to such an extent that it is harmful  
30 to the public health, welfare, morals, safety and the economic stability of the

1 area, community, or neighborhood in which such public nuisance is located.

2 (8) "Public officer" means any officer, public officer, public employee,  
3 or agent authorized by the state or local government to exercise the powers  
4 prescribed in the laws and ordinances governed by the provisions of this  
5 Section.

6 (9) "Unfit for human occupancy structure" means any structure which  
7 is an unsafe structure, an unlawful structure or otherwise is in such a degree of  
8 disrepair, lack of maintenance, is unsanitary, vermin or rat infested, contains  
9 filth and contamination or lacks ventilation, illumination, sanitary or heating  
10 facilities or other essential equipment required by state statute or local  
11 ordinances, or because of the location of the structure constitutes a hazard to  
12 the occupants of the structure or to the public.

13 (10) "Unlawful structure" means any structure, in whole or in part, that  
14 is occupied by more persons than permitted under state statute or local  
15 ordinances or was erected, altered or occupied contrary to state statute or local  
16 ordinances.

17 (11) "Unsafe equipment" means any unsafe equipment, including but not  
18 limited to any boiler, heating equipment, elevator, moving stairway, electrical  
19 wiring or device, flammable liquid containers or other equipment on the  
20 premises or within a structure which is in such disrepair or condition that such  
21 equipment is a hazard to life, health, property or safety of the public or  
22 occupants of the premises or structure.

23 (12) "Unsafe structure" means a structure that is found to be dangerous  
24 to the life, health, property or safety of the public or the occupants of the  
25 structure by not providing the minimum safeguards to protect or warn  
26 occupants in the event of fire, or because such structure contains unsafe  
27 equipment, or because such structure is so damaged, decayed, dilapidated,  
28 structurally unsafe or of such faulty construction or unstable foundation, that  
29 a partial or complete collapse is possible.

30 C. Local ordinances in Orleans Parish may authorize public officers to

1 exercise any powers necessary or convenient to carry out and effectuate the  
2 purposes and provisions of ordinances governed by this Section. Additionally,  
3 public officers shall have the authority pursuant to this Section to:

4 (1) Investigate the conditions of premises to determine whether said  
5 premises are unfit for human habitation and to request and obtain search  
6 warrants for entry if necessary.

7 (2) Obtain and receive evidence.

8 (3) Enter upon any premises for the purpose of making examinations  
9 provided the entries are made in such manner as to cause the least possible  
10 inconvenience to the persons in possession.

11 D. Any civil judicial proceeding instituted in accordance with this Section  
12 that is on the environmental docket of the Forty-First Judicial District Court  
13 may be heard by summary proceeding.

14 E. The court may order remedial action be taken, including but not  
15 limited to repair of the premises to appropriate standards, securing premises  
16 from entry by others and demolition of any unsafe structures unfit for human  
17 occupancy.

18 Section 3. This Act shall become effective on January 1, 2009; if vetoed by the  
19 governor and subsequently approved by the legislature, this Act shall become effective on  
20 January 1, 2009, or on the day following such approval by the legislature, whichever is later.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_