

**ORDINANCE # 2002-01-A**  
**CRIMINAL CODE**

**AN ORDINANCE ADOPTING THE 2001 LOUISIANA MODEL MUNICIPAL CRIMINAL CODE BY REFERENCE**

BE it ordained by the Mayor and the Board of Aldermen of the Town of Pearl River, Louisiana, in regular session convened:

SECTION I: Pursuant to L.R.S. 33:1368, the September 2001 edition of the Louisiana Model Municipal Criminal Code, published by the Louisiana City Attorneys Association in cooperation with the Louisiana Municipal Association, Sections 2 through 114 exclusive, is hereby adopted by reference.

SECTION II: The invalidation of any section, provision or portion of the 2001 Louisiana Model Municipal Criminal Code shall in no way affect the legal validity of other sections, provisions and portions of said code hereby adopted by reference.

SECTION III: All previous ordinances adopting and purporting to adopt by reference any previous model municipal criminal code are hereby repealed and superseded.

SECTION IV: Not less than two copies of the 2001 Louisiana Model Municipal Criminal Code shall be permanently retained in the office of the Town Clerk, said copies to be made available for public inspection during regular office hours.

SECTION V: This ordinance shall include Title R.S.:32 and a portion of Title 47, as pertains to traffic violations and the cost assessed.

SECTION VI: This ordinance shall become effective upon passage.

Said Ordinance having been introduced at the meeting of the Board of Aldermen held on April 9, 2002 by Mayor James Lavigne, copies of the Ordinance having been provided to all members of the Board of Aldermen and the Mayor, the title of the proposed Ordinance and notice of the time and place where the Board of Aldermen will consider the adoption of the Ordinance having been published once in the official journal of the municipality on April 23, 2002 a public hearing having been held, the title of this Ordinance having been read and the Ordinance considered, on motion by \_\_\_\_\_ seconded by \_\_\_\_\_, to adopt the Ordinance, a record vote was taken and the following result was had:

YEAS:

NAYS:

ABSENT:

Whereupon, the motion receiving the affirmative vote of a majority of the members of the Board of Aldermen, the presiding officer declared the above Ordinance duly adopted on this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
JAMES LAVIGNE,  
MAYOR

\_\_\_\_\_  
ELIZABETH ALLEN,  
TOWN CLERK

AMENDMENT:

SECTION VII: Amendment is to include Municipal Model Code 34.2 (Battery of a police officer), which states the following:

- A. (1) Battery of a police officer is a battery committed without the consent of the victim when the offender has reasonable grounds to believe the victim is a police officer acting in the performance of his duty.  
(2) For purposes of this Section, "police officer" shall include commissioned police officers, sheriffs, deputy sheriffs, marshals, deputy marshals, correctional officers, constables, wildlife enforcement agents, and probation and parole officers.
- B. (1) Whoever commits the crime of battery of a police officer shall be fined not more than five hundred dollars and imprisoned not less than six days nor more than six months without benefit of suspension of sentence.  
(2) If at the time of the commission of the offense the offender is under the jurisdiction and legal custody of the Department of Public Safety and Corrections, the offender shall be fined not more than one thousand dollars or imprisoned with or without hard labor for not less than one year nor more than five years, or both.  
(3) If the battery produces an injury that requires medical attention, the offender shall be fined not more than one thousand dollars or imprisoned with or without hard labor for not less than one year nor more than five years, or both. *Added by Acts 1981, No. 258, / 1. Amended by Acts 1982, No. 594/ 1; Acts 1984, No. 871/ 1; Acts 1989, No. 206/1; Acts 1990, No. 84/1; Acts 1991, No. 132,/ 1; Acts 1993, No. 438,/ 1; Acts 1994, 3<sup>rd</sup> Ex. Sess., No. 16,/ 1.*

Said Amendment having been introduced at the meeting of the Board of Aldermen held on this \_\_\_\_\_ day of \_\_\_\_\_, 2006 by Mayor James Lavigne, copies of the Amendment having been provided to all members of the Board of Aldermen and the Mayor, the Amendment to Ordinance #2002-01 and notice of the time and place where the Board of Aldermen will consider the adoption of the amendment having been published once in the official journal of the municipality on this \_\_\_\_\_ day of \_\_\_\_\_, 2006, a public hearing having been held, the Amendment to Ordinance #2002-01 having been read and the following result was had:

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

Whereupon, the motion receiving the affirmative vote of a majority of the members of the Board of Aldermen, the presiding officer declared the above Amendment duly adopted and to take effect immediately on this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
James Lavigne, Mayor

\_\_\_\_\_  
Elizabeth Allen, Town Clerk