

Chapter 9

MUNICIPAL COURTS

Reviewed January 2, 2009

The judicial system in Article V of the Constitution is a three-level court structure composed of the following courts:

- The appellate courts, which provide a system of judicial review of cases arising from the lower courts;
- The district courts, which are courts of general criminal and civil jurisdiction, and to which most cases in the state are first brought; and,
- The courts of limited jurisdiction, which are authorized by statute to exercise only very narrow jurisdiction over specific types of cases. This chapter deals with two such courts, city courts and mayor's courts.

MAYOR'S COURTS

Mayor's courts are expressly authorized in Article V, Section 20, which states that mayor's courts and justice of the peace courts existing on the effective date of the *Louisiana Constitution*, January 1, 1974, are continued, subject to change by law.

A municipality incorporated after the effective date of the *Louisiana Constitution of 1974* can not operate a mayor's court without specific statutory authorization.

Mayor's courts are vested with jurisdiction over violations of municipal ordinances and may impose fines, imprisonment, or both as authorized in such ordinances. Mayor's courts are courts which have jurisdiction to conduct trials, determine guilt (or innocence), and impose sentences including fines and imprisonment for breach of municipal ordinances [*Sledge v. McGlathery*, 324 So.2d 354].

Mayor's courts have no jurisdiction over the following:

- DWI cases
- Injunctions
- Juvenile cases
- Felonies
- Conduct that may be considered a misdemeanor or a felony depending upon the number of prior convictions of the same offense without specific statutory authorization*
- Search warrants

The Mayor as Judge

R.S. 33:441, the Lawrason Act provision regarding mayor's courts, provides that the mayor is the judge of the mayor's court and, therefore, is authorized to perform certain functions.

The mayor-judge may perform the following functions:

- Try all breaches of municipal ordinances
- Impose fines not to exceed \$500.00 or imprisonment not to exceed 60 days, or both
- Impose court costs of not more than \$30.00 per offense
- Request that the board of aldermen appoint an attorney to serve as court magistrate when necessary or at the mayor's convenience
- Hold court at any time, pursuant to R.S. 33:442
- Issue certain writs, peace bonds, arrest warrants, and summonses;
- Set bail
- Appoint an attorney for an indigent defendant

The mayor may suspend the imposition or execution of a sentence and place the convicted person on probation (R.S. 33:441(A)). The mayor has the power of a committing magistrate, pursuant to R.S. 33:441(C)(3). Additionally, R.S. 33:441(c)(2) entitles the presiding officer of a mayor's court to judicial immunity for his official acts as a presiding officer in the same capacity as a state judge. As "judge" of the mayor's court, the mayor is subject to the Code of Judicial Conduct and the supervisory jurisdiction of the Louisiana Supreme Court.

* Other than a violation of a municipal ordinance prohibiting any of the following: criminal trespass, theft of a thing with a value of less than \$300, theft of animals with a value of less than \$300, unauthorized use of an "access card", theft of domesticated fish, theft of crawfish, first offense of theft of utility service, theft of goods with a value of less than \$300, theft of timber, theft of an alligator with a value of less than \$100, prostitution, child desertion, unauthorized interception of cable television services, improper telephone communications, possession of marijuana, and possession of drug paraphernalia [R.S. 33:143]. Prosecution of these offenses in a mayor's court may not be considered as a prior conviction of the same offense by a district court.

Court Documents are Public Records

The mayor-judge is required to keep a regular docket of cases to be tried by him. All documents, information, and notes from each case must be organized and filed. All records are public, and must be preserved by the major-judge for at least three years from the date on which these public records was made [R.S. 33:441].

Assessment of Court Costs

The mayor is authorized to assess court costs not to exceed \$30.00 for each offense. These costs are to be imposed only upon defendants who have been convicted of violating an ordinance, and these court costs are in addition to the fine or penalty imposed for such conviction.

In addition to the \$30.00 court cost, the Legislature has enacted additional court costs over the years for the following:

- Crime Victims Reparation Fund
- Indigent Defender Fund
- Law Enforcement Officers Training Fund
- Regionalistic Criminalistics Laboratory Commissions
- Traumatic Head and Spinal Cord Injury Fund
- Trial Court Case Management Information Fund
- Crime Stoppers organizations

Magistrates of mayor's court may suspend all court costs, except the cost required for the Crime Victims Reparation Fund and for training local law enforcement officers [*Code of Criminal Procedure, Article 887(A)*].

Act 25 of the 2006 Regular Legislative Session provides that off-duty police officers who must appear in a mayors court shall be paid the sum of \$50 per case not to exceed \$150.00 in any one day. This fee shall be paid from costs of court which shall be assessed and collected in individual cases in which there is a plea of guilty or conviction. The cost assessed for this purpose cannot exceed \$50.00. The costs shall be placed in a special fund maintained and administered by the governing authority and from which the witness fees shall be paid. The governing authority cannot be required to use general fund monies to supplement any shortfall in this fund.

Detailed information about these court costs is contained in various LMA Technical Assistance Bulletins.

CITY COURTS

Article V, Section 15 of the *Louisiana Constitution* provides that city courts existing on the effective date of the Constitution (January 1, 1974) are authorized, unless changed by law. However, the Legislature can create additional city courts with parish-wide territorial jurisdiction and subject-matter jurisdiction which shall be uniform throughout the state.

City courts are courts of limited jurisdiction [*Code of Civil Procedure*, Article 4831]. City courts, with certain exceptions, have civil jurisdiction that is concurrent with district courts in cases where the amount in dispute does not exceed \$15,000.00.

City courts are established in Chapter 7 of Title 13 of the *Louisiana Revised Statutes*, which require that in wards containing cities of more than 5,000 inhabitants, a city judge must be elected. Therefore, the relevant Title 33 statutes establishing a mayor's court as the municipal court applies only to municipalities which are not required to establish a city court.

City courts have no jurisdiction over the following subject matters:

- Felony cases and conduct that may be considered a misdemeanor or a felony depending upon the number of prior convictions of that offense without specific statutory authorization**
- Cases involving title to immovable property
- Right to office or other public position
- Civil or political rights
- Probate
- Succession matters
- Appointment of receivers or liquidators for corporations or partnerships
- State-government matters
- Political corporations or political subdivisions

Finally, there are no jury trials in mayor's courts or city courts.

** Other than a violation of a municipal ordinance prohibiting any of the following: criminal trespass, theft of a thing with a value of less than \$300, theft of animals with a value of less than \$300, unauthorized use of an "access card", theft of domesticated fish, theft of crawfish, first offense of theft of utility service, theft of goods with a value of less than \$300, theft of timber, theft of an alligator with a value of less than \$100, prostitution, child desertion, unauthorized interception of cable television services, improper telephone communications, possession of marijuana, and possession of drug paraphernalia [R.S. 33:143].