

ORDINANCE NO. 2025-002

TO ENACT A CRIMINAL CODE FOR THE TOWN OF JONESBORO TO REGULATE OR PROHIBIT CERTAIN ACTIVITIES; PROVIDE PENALTIES FOR VIOLATIONS OF SUCH REGULATIONS OR PROHIBITIONS; PROVIDE FOR THE EFFECTIVENESS OF THIS ORDINANCE TO PRIOR ORDINANCES; AND PROVIDE FOR RELATED MATTERS.

WHEREAS, Chapter 22 of the Jonesboro Code of Ordinances was previously adopted and is outdated and the Town desires to properly codify its Criminal Code to be compliant with current state law;

THEREFORE, BE IT ORDAINED by the Board Aldermen of the Town of Jonesboro, Louisiana that the existing Chapter 22 of the Code of Ordinances is repealed and the following Chapter 10 Criminal Code consisting of Sections 1 through 1000 is hereby enacted to read as follows:

TOWN OF JONESBORO CODE OF ORDINANCES CHAPTER 10 CRIMINAL CODE

PART I. GENERAL PROVISIONS

§1. Citation

This Code may be cited as the Town of Jonesboro Criminal Code.

§2. Definitions

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 Grambling, or any agency, board, commission, department, or institution of the City of Grambling.

(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

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

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

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.

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.

PART II. ELEMENTS OF OFFENSES

§7. Offense defined

An offense is that conduct which is defined as criminal in this Code or under any Louisiana Revised Statute.

§8. Criminal conduct

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

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

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

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

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

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

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

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

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

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

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. Aggressor cannot claim self-defense

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.

§21. Defense of others

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

§22. Principals

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 OFFENSE

§23. Conspiracy

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.

§24. Attempt

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 punished as follows:

(1) If the offense so attempted is theft or receiving stolen things, he shall be fined not more than two hundred dollars, imprisoned for not more than sixty days, or both.

(2) In all other cases he 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 AGAINST THE PERSON

§33. Battery defined

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.

§34.2 Battery of a Police Officer

A. 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.

B. For purposes of this Section, "police officer" shall include commissioned police officers, sheriffs, deputy sheriffs, marshals, deputy marshals, correctional officers, juvenile detention facility officers, federal law enforcement officers, constables, wildlife enforcement agents, state park wardens, and probation and parole officers.

C. For purposes of this Section, "battery of a police officer" includes the use of force or violence upon the person of the police officer by throwing water or any other liquid, feces, urine, blood, saliva, or any form of human waste.

D. Whoever commits the crime of battery of a police officer shall be fined not more than five hundred dollars and imprisoned not less than fifteen days nor more than six months without benefit of suspension of sentence.

§35. Simple battery

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

§35.2. Simple battery of the infirm

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.

§36. Assault Defined

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

§37. Aggravated Assault

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

§37.1. Unlawful Use of a Laser on a Police Officer

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

Simple assault is an assault committed without a dangerous weapon.

§38.5 Assault on Emergency Room Personnel, Emergency Services Personnel or a Healthcare Provider

A. (1) Assault on emergency room personnel, emergency services personnel, or a healthcare professional is an assault committed when the offender has reasonable grounds to believe the victim is an emergency room personnel, emergency services personnel, or a healthcare professional acting in the performance of his duties.

(2) For purposes of this Section:

(a) "Assault" shall have the same definition as in section 36 but shall additionally include making statements threatening physical harm to an emergency room personnel, emergency services personnel, or a healthcare professional.

(b) "Emergency room personnel" shall have the same definitions as in R.S. 14:34.8.

(c) "Emergency services personnel" shall have the same definitions as in R.S. 14:34.8.

(d) "Healthcare professional" shall have the same definitions as in R.S. 14:34.8.

B. Whoever commits the crime of assault on emergency room personnel, emergency services personnel, or a healthcare professional shall be fined not more than five hundred dollars or imprisoned for not less than thirty days nor more than one hundred eighty days, or both.

§39. Negligent Injuring

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.

C. The provisions of this Section shall not apply to:

(1) Any dog which is owned, or the service of which is employed, by any state or local law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.

(2) Any dog trained in accordance with the standards of a national or regional search and rescue association to respond to instructions from its handler in the search and rescue of lost or missing individuals and which dog, together with its handler, is prepared to render search and rescue services at the request of law enforcement.

(3) Any guide or service dog trained at a qualified dog guide or service school who is accompanying any blind person, visually handicapped person, deaf person, hearing impaired person, or otherwise physically disabled person who is using the dog as a guide or for service.

(4) Any attack made by a dog lawfully inside a dwelling, a place of business, or a motor vehicle against a person who is attempting to make an unlawful entry into the dwelling, place of business, or motor vehicle, or who has made an unlawful entry into the dwelling, place of business, or motor vehicle and the dog is protecting that property.

§40-45. (Blank)

§46. False imprisonment

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.

B. Whoever commits false imprisonment shall be fined not more than two hundred

dollars, or imprisoned for not more than sixty days, or both.

§47 – 55 (Blank)

PART VII. OFFENSES AGAINST PROPERTY

§56 Simple Criminal Damage to Property

Simple criminal damage to property is the intentional damaging of any property of another without the consent of the owner.

§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. In addition to any punishment imposed under the provisions of this Section, the court or Magistrate 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.

§57-58 (Blank)

§59. Criminal Mischief

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 – 62 (Blank)

§63. Criminal trespass

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. 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

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

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.

§63.5 Entry or Remaining On Site Of A School or Recreation Athletic Contest After Being Forbidden

A. No person shall without authority go into or upon or remain in or upon, or attempt to go into or upon or remain in or upon, any immovable property or other site or location that belongs to another and that is used for any school athletic contest or recreation athletic contest, including any area in the immediate vicinity of the site or location of the athletic contest, after having been forbidden to do so, either orally or in writing, by any owner, lessee, or custodian of the property or by any other authorized person.

B. Whoever violates the provisions of this Section shall be fined not more than five hundred dollars, imprisoned without hard labor for not more than six months, or both.

§64 – 66 (Blank)

§67. Misdemeanor Theft

It shall be unlawful for any person to commit theft. Misdemeanor Theft is the misappropriation or taking of anything of value of less than a value of five 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.

§67.1 (Blank)

§67.2. Theft of animals

A. Theft of animals is the misappropriation, 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 is essential.

B. For the purposes of this Section, "animal" means any non-human living creature except for 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). Animal specifically includes dogs and cats.

§67.3 – 67.9 (Blank)

§67.10. Misdemeanor Theft of Goods

It shall be unlawful for any person to commit theft of goods. Misdemeanor theft of goods is the misappropriation or taking of anything of value with a value of less than five hundred dollars(\$500) 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.

§68. Unauthorized Use of a Movable

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 five hundred 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

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.

§68.2 Unauthorized Use of Discontinued Water Service

A. It shall be unlawful for any person to make an unauthorized connection or reconnection of water services which have been discontinued in accordance with Chapter 32 of the Jonesboro Code of Ordinances.

B. The trier of fact may infer that there has been an unauthorized connection or reconnection of water service when:

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

b. Water service has been reconnected or turned back on without authority of the director of public works; and

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

(3) The person charged benefited from the unauthorized connection.

§68.3. Unauthorized Removal of a Motor Vehicle

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.

§68.4 Unauthorized Ordering of Goods or Services

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. Misdemeanor Illegal Possession of Stolen Things

A. It shall be unlawful for any person to commit illegal possession of stolen things. Misdemeanor Illegal possession of stolen things is the intentional possessing, procuring, receiving, or concealing of anything of value of less than five 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

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.

§71 Misdemeanor Issuing Worthless Checks

A. Misdemeanor Issuing worthless checks is the issuing, in exchange for anything of value, whether the exchange is contemporaneous or not, with intent to defraud, of any check, draft or order of five hundred dollars (\$500) or less for the payment of money upon any bank or other depository, knowing at the time of the issuing that the offender has not sufficient credit with the bank or other depository for the payment of such check, draft, or order in full upon its presentation.

B. The offender's failure to pay a check, draft or order, issued for value, within ten (10) days after notice of its nonpayment upon presentation has been deposited by certified mail in the United States mail system addressed to the issuer thereof either at the address shown on the instrument or the last known address for such person shown on the records of the bank upon which such instrument is drawn or within ten (10) days after delivery or personal tender of the written notice to the issuer by the payee or his agent, shall be presumptive evidence of his intent to defraud.

C. Issuing worthless checks is also the issuing, in exchange for anything of value, whether the exchange is contemporaneous or not, with intent to defraud, of any check, draft, or order of five hundred dollars (\$500) or less for the payment of money, when the offender knows at the time of the issuing that the account designated on the check, draft, or order has been closed, or is nonexistent or fictitious, or is one in which the offender has no interest or on which he has no authority to issue such check, draft, or order.

D. In addition to any other fine or penalty imposed under this section, the court shall order as part of the sentence restitution in the amount of the check or checks, plus a fifteen dollar (\$15.00) per check

service charge payable to the person or entity that initially honored the worthless check or checks or an authorized collection agency or justice of the peace.

§72 - 81 (Blank)

PART VIII. OFFENSES AFFECTING THE PUBLIC MORALS

§82. Prostitution

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..

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.

§82.1 (Blank)

§82.2 Purchase of Commercial Sexual Activity

A. It shall be unlawful for any person to knowingly give, agree to give, or offer to give anything of value to another in order to engage in sexual intercourse with a person who receives or agrees to receive anything of value as compensation for such activity.

B. For purposes of this Section, "sexual intercourse" means anal, oral, or vaginal intercourse or any other sexual activity constituting a crime pursuant to the laws of this state.

§83. Soliciting for Prostitutes

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 age eighteen or older to any place with the intention of promoting prostitution.

§ 84 (Blank)

§85. Letting Premises for Prostitution

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 by a person age eighteen or older, or allowing the continued use of the premises with such knowledge.

§86 - 89 (Blank)

§90. Gambling

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, charitable gaming, or other operations in accordance with state and local law shall not be considered gambling for purposes of this Section.

§90.2. Gambling in Public

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.

§91. Unlawful Sales of Weapons to Minors

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 – 91.6 (Blank)

§91.7. Unauthorized Possession or Consumption of Alcoholic Beverages on Public School Property

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.

§91.8 – 91.12 (Blank)

§91.13. Illegal Use of Controlled Dangerous Substances in the Presence Of Persons Under Seventeen Years of Age

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.

§92 – 93.10 (Blank)

§93.11. Unlawful Sales or Serving to Persons Under Twenty-One Years of Age.

Unlawful sales to persons under twenty-one (21) years of age is the selling or otherwise delivering for value or the serving or dispensing of any alcoholic beverage to any person under twenty-one (21) 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.

§93.13 Unlawful Purchase of Alcoholic Beverages By Persons On Behalf Of Persons Under Twenty-One.

It is unlawful for any person, other than a parent, spouse or legal guardian as specified in La. R.S. 13:91.1(b)(1)b to purchase on behalf of a person under twenty-one (21) years of age any alcoholic beverage

§93.14 Drinking in Public Place.

A. Drinking in public is the consumption of alcoholic beverages of high or low alcoholic content on or in any public street, sidewalk, parking lot, park, building, including any school building, school grounds, football stadium, gymnasium or any place of amusement holding a retail occupational license from the town including skating rinks, bowling alleys, theaters, pool halls, dance halls and amusement centers.

B. It shall be unlawful for any person to drink in public as defined in subsection A of this section.

§93.15 Possession or Consumption in Motor Vehicles or on the Public Streets, Parks or

Highways Prohibited.

A. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Alcoholic beverages means beverages of high and low alcoholic content, as defined in Chapter 4 Section 4-2.

Open container means any container or receptacle wherein the seal or stamp has been broken or any container, bottle or can that has been open subsequent to the filling of such container by the manufacturer, brewery or distillery of such alcoholic beverages. Alcoholic beverages contained in drinking glasses, cups, including plastic glasses and styrofoam cups, regardless of whether such container has a top affixed thereto, shall be deemed an open container.

Private motor vehicles mean any motorized vehicle which is not operating as a licensed passenger or contract carrier, including motorized two-wheel, three-wheel and four-wheel vehicles.

Public streets, parks and highways means any public street, park or highway or public parking lots including privately-owned parking lots within the town wherein parking is allowed without charge, public school parking lots, town parks and public playgrounds.

B. *Possession, consumption in motor vehicles declared unlawful.* It shall be unlawful for any person to drink, consume or possess alcoholic beverages in an open container in any motor vehicle when such vehicle is upon the public streets, parks or highways, as defined in subsection A of this section, within the town limits or on or in the public streets, parks or highways as defined in subsection A of this section, within the town limits. This provision shall not apply to paid fare passengers on common or contract carriers.

C. *Owner or driver permitting or keeping alcoholic beverages in open containers in motor vehicles declared unlawful.* It shall be unlawful for the owner of any private motor vehicle or the driver, if the owner is not then present in the motor vehicle, to knowingly keep or allow to be kept in a private motor vehicle when such is upon the public highways, parks and the streets of the town as defined in subsection A of this section, any alcoholic beverage in an open container. This provision shall not apply to alcoholic beverages possessed in the trunk of the motor vehicle and shall not apply to alcoholic beverages possessed in vehicles that are not equipped with a trunk such as station wagons, campers, recreational vehicles and blazers, provided that the alcoholic beverage is in some other area of the vehicle not normally occupied by the driver or passenger. A utility compartment or glove compartment shall be deemed to be within the area occupied by the driver and the passenger.

PART IX. OFFENSES AFFECTING THE PUBLIC GENERALLY

§94. Discharging Firearm

It shall be unlawful for any person to discharge any firearm within the Town, except for law enforcement officer in the discharge of his official duties and except other persons acting in the necessary defense of life or property.

§95. Illegal Carrying of Weapons

A. Illegal Carrying of Weapons is:

(1) The intentional concealment of any firearm, or other instrumentality customarily used or intended for probable use as a dangerous weapon, on one's person. The provisions of this Paragraph shall not apply to a person with a valid concealed handgun permit issued pursuant to La. R.S. 40:1379.1.1, 1379.3, or 1379.3.2 nor shall it prohibit a person with a valid concealed handgun permit issued pursuant to La. R.S. 40:1379.1.1, 1379.3, or 1379.3.2 from carrying a concealed firearm or other instrumentality customarily used or intended for probable use as a dangerous weapon on his person unless otherwise prohibited by this Section.

(2)(a) The intentional possession or use by any person of a dangerous weapon on a school campus during regular school hours or on a school bus. "School" means any elementary, secondary, high school, or vo-tech school in this state and "campus" means all facilities and property within the boundary of the school property. "School bus" means any motor bus being used to transport children to and from school or in connection with school activities.

B. The provisions of this Paragraph shall not apply to:

(i) A peace officer as defined by La. R.S. 14:30(B) in the performance of his official duties.

(ii) A school official or employee acting during the normal course of his employment or a student acting under the direction of such school official or employee.

(iii) Any person having the written permission of the principal or school board and engaged in competition or in marksmanship or safety instruction.

§95.5. Possession of Firearm on Premises of Alcoholic Beverage Outlet

A. No person shall 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

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.

§97 - 98 (Blank)

§99. Reckless operation of a vehicle

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 (Blank)

§100.1. Obstructing Public Passages

A. It shall be unlawful for any person to willfully 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.

§101. Desecration of Graves

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.

§102 (Blank)

§103. Disturbing the Peace

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) Addressing any offensive, derisive, or annoying words to any other person who is lawfully in any street, or other public place; or call him by any offensive or derisive name, or make any noise or exclamation in his presence and hearing with the intent to deride, offend, or annoy him, or to prevent him from pursuing his lawful business, occupation, or duty; or
- (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.

§103.1. Emanation of excessive sound or noise; exceptions; penalties

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.

§103.2. Amplified Devices in Public Places; Quiet Zones

No person shall operate or play any sound-producing device or sound-amplification device in a public street, public park, or other public place in a manner likely to disturb, inconvenience, or annoy a person of ordinary sensibilities, if the sound produced is in excess of fifty-five decibels as measured within ten feet of the entrance to:

(1) Hospitals.

(2) Churches, synagogues, temples, or other houses of religious worship, while the building is occupied and services are being performed, provided that a sign is posted within ten feet of the front door when services are being performed.

§ 103.3 Air Guns.

The use, firing, shooting and explosion of air guns or air rifles and blow guns within the town is hereby declared to be a nuisance, and it shall be unlawful for any person to use, fire, shoot, or explode air guns or air rifles or blow guns within the town.

§104. Keeping a Disorderly Place

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 other than the prostitution of a person under age eighteen.

§105. Letting a Disorderly Place

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 for, or allowing the continued use of the premises with such knowledge.

§106 Urinating and Defecating in Public Places Prohibited.

A. It shall be unlawful for any person to urinate on the streets, in the gutters, on the sidewalks, or in alleys, driveways, or other places near the streets, alleys, sidewalks, or other places open to the public view.

B. It shall be unlawful for any person to defecate on the streets, in the gutters, on the sidewalks, or

in alleys, driveways, or other places near the streets, alleys, sidewalks, or other places open to the public view.

§106.2. Sexual Acts Prohibited in Public

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.

§107 (Blank)

§108. Resisting an Officer

A. It shall be unlawful for any person to resist 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

No driver of a motor vehicle or operator of a watercraft 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 or marked police watercraft.

§109. Approaching a Peace Officer Lawfully Engaged in Law Enforcement Duties

A. Interfering with a law enforcement investigation is the intentional interference or obstruction of a law enforcement officer conducting investigative work at the scene of a crime or the scene of an accident by refusing to move or leave the immediate scene of the crime, a criminal offense pursuant to ordinance, or the accident when ordered to do so by the law enforcement officer when the offender has reasonable grounds to believe the officer is acting in the performance of his official duties.

B. For the purposes of this Section, “peace officer” shall include all individuals as defined in La. R.S. 14:112.4(B) and La. R.S. 40:2402.

C. It shall be an affirmative defense to this crime if the defendant can establish that the lawful order or command was neither received nor understood by the defendant nor capable of being received or understood under the conditions and circumstances that existed at the time of the issuance of the order.

§110. Simple Escape

It shall be unlawful for any person to intentionally depart from the lawful custody of an officer or from any place where he is lawfully detained by any officer.

§111 (Blank)

§112. False Personation

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.

§113 -122 (Blank)

PART X. OFFENSES AFFECTING ORGANIZED GOVERNMENT

§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 mayor's court, magistrate, or respect for its authority. Contempt 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 nonincriminating 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

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 or not more than five hundred dollars, or by imprisonment for not more than sixty days, or both.

(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

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. (Blank)

§126.1.1 False Reports

A. It shall be unlawful for any person to intentionally make or to file with the police authorities any false, misleading or unfounded statement or report concerning the commission or alleged commission of any crime.

B. It shall be unlawful for any person to intentionally make, turn in, or report a false alarm of fire or of need for police or ambulance assistance.

§127-133.1. (Blank)

§133.2. Misrepresentation During Booking

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.

§133.4. Misrepresentation During Issuance of a Misdemeanor Summons

Misrepresentation during issuance of a misdemeanor 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

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 Grambling City Police Officers, commissioned police officers, state troopers, sheriffs, deputy sheriffs, marshals, deputy marshals, correctional officers, constables, wildlife enforcement agents, and probation and parole officers.

§134-283 (Blank)

PART X. MISCELLANEOUS OFFENSES

§284. Peeping Tom.

A. No person shall 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.

§285. Improper Telephone Communications.

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.

§ 283 - 323 (Blank)

§324 Abandoning or Discarding Ice Boxes or Other Airtight Containers

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.

§323-699 (Blank)

§700. Littering

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. or

(3) The accidental discharge caused by activity of persons operating duly licensed commercial vehicles engaged in the collection and transportation of solid waste, construction, or demolition debris or wood waste.

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. 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.

E. 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.

§701-965 (Blank)

§966. Simple Possession of Marijuana

A. It shall be unlawful for any person to knowingly and intentionally possess marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids, on their person or in the passenger area of their motor vehicle unless such said substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner or as provided in La. R.S. 40:978, while acting in the course of his professional practice, or except as otherwise authorized by La. R.S.

40:966 or other Louisiana law.

B. "Marijuana" means all parts of plants of the genus Cannabis, whether, growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

C. "Synthetic cannabinoids" means vegetable matter treated with a detectable quantity of a chemical compound designed or produced to simulate the effects of tetrahydrocannabinol in humans, including but not limited to:

(1)JWH-018 (1-pentyl-3-(1-naphthoyl)indole);

(2)JWH-073 (naphthalen-1-yl-(1-butylindol-3-yl)methanone);

(3)JWH-200 (WIN 55,225) (1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone;

(4)CP 47, 4972-((1R, 3S)-3-hydroxycyclohexyl) - 5-(2-methyloctan-2-yl)phenol, also known as Cannabicyclohexanol (CP 47,497 dimethyloctyl homologue, (C8)-CP 47,497), and its homologues, whether dimethylhexyl, dimethyloctyl, or dimethylnonyl, to include its C6, C7, C8, and C9 homologues.

(5)HU-210 (6aR,10aR)- 9-(Hydroxymethyl) - 6,6-dimethyl- 3-(2-methyloctan-2-yl) - 6a,7,10,10a-tetrahydrobenzo (c)chromen-1-ol.

D. Whoever violates the provisions of this section shall not be taken into custody by the arresting officer, but instead shall be required either to deposit his driver's license with the arresting officer or give his written promise to appear.

(e)Whoever is found guilty of possession of marijuana, tetrahydrocannabinol, or chemical derivatives shall be punished as follows:

(1)Upon a first conviction for a violation in this section, wherein the offender possesses fourteen (14) grams or less, the offender shall be fined not more than forty dollars (\$50.00).

(2)Upon a second or subsequent conviction for a violation in this section, wherein the offender possesses fourteen (14) grams or less, the offender shall be fined not more than one-hundred dollars (\$100.00).

(3)A conviction for a violation in this section, wherein the offender possesses more than fourteen (14) grams but less than 100 grams, the offender shall be fined not more than five hundred dollars (\$500.00), imprisoned for not more than six (6) months, or both.

§967-999 (Blank)

§1000. Adoption of State Criminal Code

A. To the extent not specifically adopted herein, all penal or criminal laws of the state, other than those the violation of which is a felony or a misdemeanor not triable in a mayor's court, are hereby adopted by reference and incorporated herein as if fully set out, provided the penalty for commission of such offenses hereunder shall be limited to that as imposed under the general penalty provisions of this Code. It is unlawful to violate any of such laws, and, upon conviction, violators shall be punished according to the general penalty provisions of this Code. Any future amendments, revisions or modifications of the statutes incorporated herein by reference are intended to be made part of this Code.

B. When referring to a penal or criminal law under this chapter, or issuing a citation or prosecuting an offense on behalf of the Town under this chapter, the section number of that offense shall be cited in the following two-part numbering scheme: the first part of the section number will be the number of this chapter ("22") and the second part of the section number will be the section number of the penal or criminal law as listed under state law (i.e., R.S. 14:102.1 under state law will be the town offenses chapter § 22:102.1).

BE IT FURTHER ORDAINED that 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.

BE IT FURTHER ORDAINED that the sections, paragraphs, sentences, clauses, and phrases of this Code 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.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict herewith are hereby repealed. 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.

This Code is being adopted pursuant to the provisions of R.S. 33:1361, et. Seq. and it is the desire and intent to adopt and enact this Code under any other existing authority.

The title of this Ordinance shall be published once a week for three consecutive weeks in the

official journal of the municipality after the Ordinance is adopted.

This Ordinance shall become effective ten days after the publication of the title for the third time in the official journal of the municipality.

BE IT FURTHER ORDAINED that if any portion of this ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this ordinance are hereby declared to be severable.

This Ordinance was duly introduced, the title of this ordinance was duly published in accordance with law, and then duly read and adopted on the 14th day of January 2025 by the following votes:

4 YEAS 0 NAYS 1 ABSENT 0 ABSTAIN.

This Ordinance was adopted on the 14th day of January 2025 and presented to the Mayor for his signature on the 15th day of January, 2025 (which is less than 3 days from the date the ordinance was adopted).

TOWN CLERK

Approved by the Mayor on this 15th day of January 2025.

MAYOR