

ORDINANCE NO. 220

AN ORDINANCE ADOPTING AND ENACTING A CRIMINAL CODE FOR THE TOWN OF DUBACH; REGULATING THE EFFECT OF REPEAL OF CERTAIN ORDINANCES; PROVIDING PENALTIES FOR THE VIOLATION OF SAID CODE AND FOR THE VIOLATION OF AMENDMENTS OF SAID CODE; ESTABLISHING THE EFFECTIVE DATE OF THE SAID CODE; AND PROVIDING A SAVING CLAUSE.

SECTION 1. BE IT ORDAINED by the Board of Aldermen of Dubach, Louisiana in legal session convened, that this ordinance shall be known, shall constitute and may be referred to as the Criminal Code of Dubach, Louisiana, and that any and all additions to and amendments of said Code, when adopted in such form as to indicate the intention of The Board of Aldermen to make the same a part hereof, shall be deemed to be incorporated in such Code so that a reference to the "Criminal Code of Dubach, Louisiana", shall be understood and intended to include such additions and amendments.

SECTION 2. BE IT FURTHER ORDAINED that all provisions of this Code shall be in full force and effect on and after November 15, 1990.

SECTION 3. BE IT FURTHER ORDAINED that the repeal hereinafter provided for in Section 5 hereof shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, before the effective date of this ordinance.

SECTION 4. BE IT FURTHER ORDAINED that this Code defines criminal conduct and it shall be unlawful for any person to violate, or fail to comply with, any provision of this Code or any amendment of such Code, and, the violation of, or failure to comply with, any provision of this Code, or any amendment thereof, shall be a misdemeanor and the punishment of each offender for each offense shall be a fine not exceeding THREE HUNDRED (\$300.00) DOLLARS, or imprisonment for a term not exceeding thirty (30) days, or both such fine and imprisonment within the discretion of the Court, together with court costs.

SECTION 5. BE IT FURTHER ORDAINED that the repeal of any provision of this Code shall not affect any offense committed or act done prior to

SECTION 5. BE IT FURTHER ORDAINED that the repeal of any provision 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the effective date of such repeal, or any penalty or forfeiture incurred for an offense committed under the provision repealed or any prosecution or suit pending at the time of such repeal for an offense committed under the provision repealed.

SECTION 6. BE IT FURTHER ORDAINED that the Board of Aldermen declares that this Code is being adopted pursuant to the provisions of L.R.S. Title 33, Sections 1368 through 1369, as amended, provided that this body further declares that it is its desire and intention to adopt and enact said Code under any authority which it may have.

SECTION 7. BE IT FURTHER ORDAINED that the following provisions are hereby adopted as the Criminal Code of Dubach, Louisiana, and may be cited and referred to as provisions of such Code.

ARTICLE 1. CITATION

This Code may be cited as the "Dubach, Louisiana, Criminal Code."

ARTICLE 2. DEFINITIONS

In this code the terms enumerated shall have the designated meanings:

"Another" refers to any person or legal entity, including the State of Louisiana or any subdivision thereof.

"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. It must be construed in the broad popular sense of the phrase, and not necessarily as synonymous with the traditional legal term "property".

"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.

"Foreseeable" refers to that which ordinarily would be anticipated by a human being of average reasonable intelligence and perception.

"Person" includes a body of persons, whether incorporated or not.

"Posted Speed Limit" means a sign erected by the Town of Dubach, Louisiana, designating the speed limit to be observed.

"Property" refers to both public and private property movable and immovable, and corporeal and incorporeal property.

"Public office" "public office". "public employee" or "position of

Property refers to both public and private property movable and immovable, and corporeal and incorporeal property.

"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 of Louisiana or any parish, municipality, district, or other political subdivision. Unless otherwise specified, local references are to those who function in the Town of Dubach, Louisiana.

"State" means the State of Louisiana, or any parish, municipality, district, or other political subdivision thereof, or any agency, board, commission, department or institution of said state, parish, municipality, district or other political subdivision.

"Whoever" in a penalty clause refers only to natural persons insofar as imprisonment is provided, but insofar as a fine may be imposed "whoever" in a penalty clause refers to any person.

"Town" means the Town of Dubach, Louisiana or any agency, board, commission, department or institution of same.

ARTICLE 3. CRIME DEFINED

A crime is that conduct which is defined as unlawful in this Code.

ARTICLE 4. 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.

ARTICLE 5. CRIMINAL CONSEQUENCES.

Criminal consequences are any set of consequences prescribed in the various articles of this Code as necessary to constitute any of the various crimes defined therein.

ARTICLE 6. 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 experiences, must have adverted to the prescribed criminal

(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 experiences, must have adverted to the prescribed criminal consequences as reasonably certain to result from his act or failure to act.

ARTICLE 7. CRIMINAL INTENT; HOW EXPRESSED.

The definitions of some crimes require a specific criminal intent, while in others no intent is required. Some crimes 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."

ARTICLE 8. 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.

ARTICLE 9. PRINCIPALS

All persons concerned in the commission of a crime 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 crime, are principals.

ARTICLE 10. ATTEMPT

Any person, who, having a specific intent to commit a crime, 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.

Mere preparation to commit a crime shall not be sufficient to constitute an attempt; but lying in wait with a dangerous weapon with the intent to commit a crime, or searching for the intended victim with a dangerous weapon with the intent to commit a crime, shall be sufficient to constitute an attempt to commit the offense intended.

An attempt is a separate but lesser grade of the intended crime; and any person may be convicted of an attempt to commit a crime, although it appears on the trial that the crime intended or attempted was actually perpetrated by such person in pursuance of such attempt.

Whosoever attempts to commit any crime shall be fined or confined or both in the same manner as for the offense attempted; but such fine or confinement shall not exceed one-half of the largest fine or one-half of the longest confinement prescribed for the offense so attempted or both.

ARTICLE 11. BATTERY DEFINED

Battery is the intentional use of force or violence upon the person of

longest confinement prescribed for the offense so attempted or both.

ARTICLE 11. 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.

ARTICLE 12. SIMPLE BATTERY

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

ARTICLE 13. ASSAULT DEFINED

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

ARTICLE 14. SIMPLE ASSAULT

It shall be unlawful for any person to commit the crime of simple assault. Simple assault is an assault committed without a dangerous weapon.

ARTICLE 15. AGGRAVATED ASSAULT

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

ARTICLE 16. CRIMINAL DAMAGE TO PROPERTY

It shall be unlawful for any person to commit the crime of criminal damage to property. Criminal damage to property is the intentional damaging of any property of another, without the consent of the owner.

ARTICLE 17. CRIMINAL MISCHIEF

It shall be unlawful for any person to commit the crime of 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; or

(2) Giving of any false alarm of fire; or

(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; or

(4) The felling, topping or pruning of trees or shrubs within the right of way of a state highway, without prior written approval of the Director of the Department of Highways or his representative, provided prior written approval is not required for agents or employees of public

Director of the Department of Highways or his 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; or

(5) Giving of any false report or complaint to any officer of the law relative to the commission of, or an attempt to commit, a crime; or