

(2) If the offender had a blood alcohol concentration of 0.15 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, at least ninety-six hours of the sentence imposed pursuant to Paragraph C(1) of this Section shall be served with the benefit of parole, probation, or suspension of sentence. Imposition or execution of the remainder of the sentence shall not be suspended unless the offender complies with Subparagraph C(1)(a) or (b) of this Section.

D. (1) For purposes of determining whether a defendant has a prior conviction for violation of this Section, a conviction under either LA. R.S. 14:32.1, vehicular homicide, LA. R.S. 14:39.1, vehicular negligent injuring, or LA. R.S. 14:39.2, first degree vehicular negligent injuring, or a conviction under the laws of any state or an ordinance of a municipality, town, or similar political subdivision of another state, which prohibits the operation of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance while intoxicated, while impaired, or while under the influence of alcohol, drugs, or any controlled dangerous substance shall constitute a prior conviction. This determination shall be made by the court as a matter of law.

(2) For purposes of this Section, a prior conviction shall not include a conviction for an offense under this Section or LA. R.S. 14:32.1 or LA. R.S. 14:39.1 or under a comparable statute or ordinance of another jurisdiction, as described in Paragraph (1) of this Subsection, if committed more than ten years prior to the commission of the crime for which the defendant is being tried and such conviction shall not be considered in the assessment of penalties hereunder. However, periods of time during which the offender was incarcerated in a penal institution in this or any other state shall be excluded in computing the ten-year period. Subsections B and C shall include a screening procedure to determine the portions of the program which may be applicable and appropriate for individual offenders.

E. Court-approved substance abuse programs provided for in Subsections (B) and (C) shall include a screening procedure to determine the portions of the program which may be applicable and appropriate for individual offenders.

F. "Community service activities" as used in this Section may include duty in any morgue, coroner's office, or emergency treatment room of a state-operated hospital or other state-operated emergency treatment facility, with the consent of the administrator of the morgue, coroner's office, hospital, or facility.

G. An offender ordered to participate in a substance abuse program shall pay the cost incurred in participating in the program. Failure to make such payment shall subject the offender to revocation of probation, unless the court determines that the offender is unable to pay.

H. When the city proves in addition to the elements of the crime as set forth in Subsection A of this Section that a minor child twelve years of age or younger was a passenger in the motor vehicle, aircraft, watercraft, vessel, or other means of motorized conveyance at the time of the commission of the offense, of the sentence imposed by the court, the execution of the minimum mandatory sentence provided by Subsection B, or C of this Section, as appropriate, shall not be suspended.

### **Sec. 98.1. Underage driving under the influence**

A. The crime of underage operating a vehicle while intoxicated is the operating of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance when the operator's blood alcohol concentration is 0.08 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, if the operator is under the age of

mandatory sentence provided by subsection ,  
suspended.

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**Sec. 98.1. Underage driving under the influence**

A. The crime of underage operating a vehicle while intoxicated is the operating of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance when the operator's blood alcohol concentration is 0.02 percent or more by weight if the operator is under the age of twenty-one based on grams of alcohol per one hundred cubic centimeters of blood.

B. Any underage person whose blood alcohol concentration is found to be in violation of DTO 11:98(A)(1)(b) shall be charged under its provisions rather than under this Section.

C. On a first conviction, the offender shall be fined not less than one hundred nor more than two hundred fifty dollars, and participate in a court-approved substance abuse and driver improvement program.

D. On a second or subsequent conviction, regardless of whether the second offense occurred before or after the first conviction, the offender shall be fined not less than one hundred fifty dollars nor more than five hundred dollars, and imprisoned for not less than ten days nor more than three months. Imposition or execution of sentence shall not be suspended unless:

(1) The offender is placed on probation with a minimum condition that he serve forty-eight hours in jail and participate in a court-approved substance abuse and driver improvement program; or

(2) The offender is placed on probation with a minimum condition that he perform ten eight-hour days of court-approved community service activities, at least half of which shall consist of participation in a litter abatement or collection program and participate in a court-approved substance and driver improvement program.

E. Court programs regarding substance abuse provided for in Subsections C and D shall include a screening procedure to determine the portions of the program which may be applicable and appropriate for individual offenders.

F. An offender ordered to participate in a substance abuse program shall pay the cost incurred in participating in the program. Failure to make such payment shall subject the offender to revocation of probation, unless the court determines that the offender is unable to pay.

(Source: R.S. 14:98)

### **Sec. 99. Reckless operation of a vehicle**

A. 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.

B. Whoever commits the offense of reckless operation of a vehicle shall be fined not more than two hundred dollars.

C. On a second or subsequent conviction the offender shall be fined not less than twenty-five nor more than five hundred dollars.

(Source: R.S. 14:99)

### **Sec. 100. Hit and run driving**

A. It shall be unlawful for any person to commit hit and run driving. Hit and run driving is the intentional failure of the driver of a vehicle involved in or causing any accident where none of the following conditions are met:

(a) Death or serious bodily injury is a direct result of the accident.

(b) The driver knew or must have known that the vehicle he was operating was involved in an accident or that his operation of the vehicle was the direct cause of an accident.

(c) The driver had been previously convicted of any of the following:

(a) Death or serious bodily injury is a direct result of the accident.

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(b) The driver knew or must have known that the vehicle he was operating was involved in an accident or that his operation of the vehicle was the direct cause of an accident.

(c) The driver had been previously convicted of any of the following:

(i) A violation of LA. R.S. 14:98, or a law or an ordinance of any state or political subdivision prohibiting operation of any vehicle or means of transportation or conveyance while intoxicated, impaired, or while under the influence of alcohol, drugs, or any controlled dangerous substance on two or more occasions within ten years of this offense.

(ii) A violation of LA. R.S. 14:32.1-vehicular homicide.

(iii) A violation of LA. R.S. 14:39.1-vehicular negligent injuring.

(iv) A violation of LA. R.S. 14:39.2-first degree vehicular negligent injuring.

B. For the purpose of this Section:

(1) "To give his identity" means that the driver of any vehicle involved in any accident shall give his name, address, and the license number of his vehicle, or shall report the accident to the police.

(2) "Serious bodily injury" means bodily injury which involves unconsciousness, extreme physical pain, or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death.

(3) "Vehicle" includes a watercraft.

(4) "Accident" means an incident or event resulting in damage to property or injury to person.

(Source: R.S. 14:100)

#### **Sec. 100.1. Obstructing public passages**

A. It shall be unlawful for any person to wilfully 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, watercraft 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.

(Source: R.S. 14:100.1)

#### **Sec. 100.2. Regulating motor vehicle on parking lot**

A. It shall be unlawful for any person to operate a motor vehicle at a speed in excess of fifteen miles per hour on any lot or plot of ground used by a business open to the public for the purpose of parking motor vehicles. This speed limit applies even though a place of business providing the parking lot is closed at the time of the operation of the motor vehicle.

B. It shall be unlawful for any person to operate a motor vehicle on any lot or plot of ground used by a business open to the public for the parking of motor vehicles in such a manner as to needlessly endanger life or property.

#### **Sec. 100.3 Obstruction of drive**

A. It shall be unlawful to obstruct a private drive of another without the authorization of

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**Sec. 100.3 Obstruction of drive**

A. It shall be unlawful to obstruct a private drive of another without the authorization of the owner, intentionally or in a criminally negligent manner.

B. Whoever commits obstruction of drive shall be fined not more than one hundred dollars.

**Sec. 100.4. Processions, marches, parades or demonstrations; permits; liability; bond; exemptions**

A. Any procession, march, parade, or public demonstration of any kind or for whatever purpose is prohibited by any group, association, or organization on any public sidewalk, street, highway, bridge, alley, road, or other public passageway of the municipality unless there first has been obtained a permit therefore, and in all cases the person or the group, association, or organization to whom the permit is issued shall be liable for all damage to property or persons which may arise out of or in connection with any such procession, march, parade, or public demonstration for which a permit is issued.

B. Application for the permit required herein shall be made to the mayor and governing authority of the municipality. Permits may be granted by the authority. However, bond in the amount established by the governing authority shall first be filed with the mayor and municipal governing authority as security for the payment of any damage or injury which may occur as the result of or in connection with such procession, march, parade, or public demonstration.

C. This Section shall apply to all groups, associations, or organizations regardless of race, creed, color, or political beliefs of its members. However, nothing contained herein shall apply to a bona fide legitimate labor organization or professional firefighter or police association or to any lawful activity of a labor union permitted by law, nor shall these provisions apply to any procession or parade directly held or sponsored by the governing authority of the municipality nor shall these provisions apply to any procession, march, or parade directly held or sponsored by a bona fide organization specifically for the celebration of Christmas, the Peach Festival, or school parades.

**Sec. R.S. 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.

(Source: R.S. 14:101)

**Sec. 102. Definitions; cruelty to animals**

The following words, phrases, and terms as used in this Section and in Section 102.1 of this Code are defined and construed as follows:

- (1) "Cruel" means every act or failure to act whereby unjustifiable physical pain or suffering is caused or permitted.
- (2) "Abandons" means to completely forsake and desert an animal previously under the custody or possession of a person without making reasonable arrangements for its proper care, sustenance, and shelter.

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- (1) "Cruel" means every act or failure to act whereby unjustifiable physical pain or suffering is caused or permitted.
- (2) "Abandons" means to completely forsake and desert an animal previously under the custody or possession of a person without making reasonable arrangements for its proper care, sustenance, and shelter.
- (3) "Proper food" means providing each animal with daily food of sufficient quality and quantity to prevent unnecessary or unjustifiable suffering by the animal.
- (4) "Proper water" means providing each animal with daily water of sufficient quality and quantity to prevent unnecessary or unjustifiable suffering by the animal.
- (5) "Proper shelter" means providing each animal with adequate shelter from the elements as required to prevent unnecessary or unjustifiable suffering by the animal.



(6) "Proper veterinary care" means providing each animal with veterinary care sufficient to prevent unnecessary or unjustifiable physical pain or suffering by the animal.

(Source: R.S. 14:102)

### Sec. 102.1. Cruelty to animals

A. It shall be unlawful for any person to commit cruelty to animals. Any person who intentionally or with criminal negligence commits any of the following shall be guilty of cruelty to animals:

- (1) Overdrives, overloads, drives when overloaded, or overworks a living animal.
- (2) Torments, cruelly beats, or unjustifiably injures any living animal, whether belonging to himself or another.
- (3) Having charge, custody, or possession of any animal, either as owner or otherwise, unjustifiably fails to provide it with proper food, proper drink, proper shelter, or proper veterinary care.
- (4) Abandons any animal. A person shall not be considered to have abandoned an animal if he delivers to an animal control center an animal which he found running at large.
- (5) Impounds or confines or causes to be impounded or confined in a pound or other place, a living animal and fails to supply it during such confinement with proper food, proper drink, and proper shelter.
- (6) Carries, or causes to be carried, a living animal in or upon a vehicle or otherwise, in a cruel or inhumane manner.
- (7) Unjustifiably administers any poisonous or noxious drug or substance to any domestic animal or unjustifiably exposes any such drug or substance, with intent that the same shall be taken or swallowed by any domestic animal.
- (8) Injures any animal belonging to another person without legal privilege or consent or the owner.
- (9) Mistreats any living animal by any act or omission whereby unnecessary or unjustifiable physical pain, suffering, or death is caused to or permitted upon the animal.
- (10) Causes or procures to be done by any person any act enumerated in this Section.

B. This Section shall not apply to the lawful hunting or trapping of wildlife as provided by law, herding of domestic animals, accepted veterinary practices, and activities carried on for scientific or medical research governed by accepted standards.

C. For purposes of this Section, fowl shall not be defined as animals.

(Source: R.S. 14:102.1)

### Sec. 103. Disturbing the peace

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(Source: R.S. 14:102.1)

**Sec. 103. Disturbing the peace**

A. 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,