



Mayor's Court

[R.S. 33:441 - 454](#)

Overview

The following summary provides general principles and guidelines concerning [**Mayor's Court**](#). This document is presented in a “frequently asked questions” (FAQ) format. While the summary is fairly detailed, remember that every situation is unique and that each situation deserves careful individual review.

To facilitate your use of this document, links within the document will direct your attention to text within the document and to related documents posted on the Louisiana Legislative Auditor's website and on external websites. For example, clicking the question you wish to view in the Index section, will send you directly to the associated text. Within the FAQ, links will direct you to other text in the FAQ and to relevant external documents. If you click on the individual question number in the text, a link will return to the index to allow you to select another question to view.

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Mayor's Court FAQs

Q.1. What jurisdiction does a mayor's court have? [R.S. 33:441\(A\)](#)

A.1. Except for the provisions for city courts in Title 13, there shall be a mayor's court in a municipality with **jurisdiction over all violations of municipal ordinances**. The mayor may impose fines or imprisonment, or both for violations of municipal ordinances.

Q.2. What are the basic requirements for mayor's court? [R.S. 33:442](#)

A.2. The mayor shall keep a regular docket, on which he or she shall enter the causes arising under the ordinances to be tried. The mayor shall keep a perfect record of all cases tried. Mayor's court may be held at any time. The marshal shall attend the court and serve its process and act as its executive officer. [AG Op. No. 97-461](#) states that the mayor may delegate certain duties to the chief of police. These duties are: preparation of the docket, traffic citation record retention, and collection of citation fines.

Q.3. What additional recommendations has the LLA made for conducting a mayor's court?

A.3. The LLA recommends that mayor's courts should:

- Be conducted in a manner that will ensure access by the parties
- Preserve a complete and accurate record of the decisions rendered by the court
- Formally convene before consideration of the court's business (hearing testimony from defendants or witnesses, taking evidence, rendering decisions, etc.)
- Be conducted at a regularly scheduled location and time
- Document lack of sufficient evidence in order to support a decision to dismiss.

Q.4. May the mayor impose court costs in addition to the fines? [R.S. 33:441\(A\)](#)

A.4. Yes, the mayor may impose on any defendant convicted of a violation of a municipal ordinance court costs not to exceed \$30.00 for each offense as defined by ordinance. Various statutes authorize additional court costs that may be assessed by the mayor or magistrate upon conviction of the defendant. Some court costs are mandatory and may not be waived by the mayor/magistrate, while others may be assessed at the discretion of the mayor/magistrate.

Q.5. How much flexibility does the mayor have regarding deposit of the court costs?

A.5. The mayor may authorize a portion of the costs assessed under R.S. 33:441 to be deposited in a special account and transmitted to the LA Association of Police Chiefs to be used for law enforcement education and training. If the statute authorizing the assessment of a specific court cost restricts the use of the funds, however, the mayor may not use those particular funds in a manner not provided for by statute. (That is, if the statute mandates assessment of court costs for a particular purpose or entity, the funds collected must be used for that particular purpose or transmitted to that designated entity.)

Q.6. Where can I find additional online information regarding operation of a mayor's court?

A.6. The LLA has posted Lawrason Act FAQs and Traffic Citations FAQs on our legal assistance page, and the Louisiana Municipal Association has posted a Mayor's Court Handbook on its website.

[Lawrason Act FAQs](#)
[Traffic Citations FAQs](#)

Q.7. What legislative powers does the board of aldermen have regarding fines in ordinances? [R.S. 33:362](#)

A.7. The board of aldermen may enact ordinances and enforce them by a fine not to exceed \$500.00, or imprisonment not to exceed 60 days, or both.

Q.8. Does the mayor have the authority to place a defendant on probation in lieu of a fine or imprisonment? [R.S. 33:441\(A\)\(2\)](#)

A.8. Yes, the mayor may suspend the execution in whole or in part of a fine or imprisonment, or both, imposed for violation of a municipal ordinance. The mayor may place the defendant on unsupervised or supervised probation with such conditions as the mayor may fix and, at any time during the probation, modify, add, or discharge the defendant.

The probation shall be for a period up to one year as specified by the mayor. The mayor may terminate or revoke the probation at any time. At the termination of the probation, the mayor may set the conviction aside and dismiss the prosecution.

The mayor may not, however, suspend imposition of any court costs whose collections are mandated by statute upon a conviction.

Q.9. Can the mayor suspend the sentence if the defendant has been convicted of violation of a municipal ordinance? [R.S. 33:441\(A\)\(3\)](#)

A.9. Yes, notwithstanding any other provision of law, when a defendant has been convicted of violation of a municipal ordinance, the mayor may suspend the imposition or the execution of the whole or any part of the sentence and place the defendant on unsupervised probation with whatever conditions the mayor may fix.

This suspension of sentence and probation shall be for a period of six months or a shorter period as the mayor may specify. But, in no case shall the probationary period imposed exceed the maximum penalty of imprisonment that may be imposed for violation of a particular ordinance.

Q.10. Can the board of aldermen appoint a magistrate to preside over the mayor's court? [R.S. 33:441\(B\)](#)

A.10. Yes, the board of aldermen may, upon request of the mayor, appoint one or more attorneys who shall be designated as court magistrate and who shall serve at the pleasure of the mayor and may from time to time be designated by the mayor to serve in his or her stead as the presiding official over the mayor's court.

The board of aldermen shall fix and pay the salary of each magistrate, if any is appointed.

Q.11. What power and authority does an appointed magistrate have when presiding over the mayor's court? [R.S. 33:441\(B\)](#)

A.11. A magistrate designated to preside over the mayor's court, has the powers and authority of the mayor over the court.

Q.12. Does the board of aldermen have the authority to appoint a prosecutor for the mayor's court? [R.S. 33:441](#)

A.12. Yes, the board of aldermen in its discretion may, upon request of the mayor, appoint one or more attorneys designated as prosecutor who shall serve at the pleasure of the mayor.

The board of aldermen shall fix and pay the salary of each prosecutor, if any is appointed.

Q.13. Does a presiding officer over mayor's court have judicial immunity? [R.S. 33:441\(C\)](#)

A.13. Yes, the presiding officer of a mayor's court shall be entitled to judicial immunity for official acts as presiding officer in the same capacity as a judge in this state.

Q.14. Does the presiding officer of a mayor's court (the mayor or appointed magistrate) have the authority to change a moving violation to a non-moving violation?

A.14. No, [AG Op. No. 06-0075](#) states that absent express written authority in the ordinances, the presiding officer of the mayor's court may not reduce a moving violation (speeding) to a non-moving violation (driving without an inspection sticker) or any other charge. According to [AG Op. No. 11-0129](#), the authority to reduce or amend charges is a prosecutorial power and, absent an ordinance to the contrary, belongs solely to the prosecutor for the mayor's court.

Q.15. May the mayor remove the appointed prosecutor or magistrate without approval of the board of aldermen?

A.15. Yes, according to R.S. 33:441, the appointed prosecutor or magistrate serves at the pleasure of the mayor and may be removed by the mayor without approval from the board of aldermen. [AG Op. No. 00-0157](#) and [AG Op. No. 93-0313A](#).

A municipality operating under a home-rule charter should consult the provisions of their charter.

Attorney General Opinions:

AG Op. No. 14-0202: Neither Section 15(A) nor Section 20 of Article V of the 1974 Louisiana Constitution prohibits the Legislature from enacting laws establishing new mayor's courts. Recalls prior opinions to the contrary.

AG Op. No. 11-0129: It is the opinion of this office that the magistrate of the mayor's court may not reduce a moving violation to a nonmoving violation. Rather, the authority to reduce a moving violation to a nonmoving violation rests with the town attorney, appointed pursuant to La. R.S. 33:404(A)(3), who serves as prosecutor in the mayor's court. The prosecuting attorney is the only person who may amend a criminal charge. See [AG Opinion No. 06-0075](#).

La. R.S. 33:441 governs mayor's courts and provides that "there shall be a mayor's court in the municipality, with jurisdiction over violations of municipal ordinances." Because La. R.S. 33:441(A)(1) limits the jurisdiction of the mayor's court to violations of municipal ordinances, a mayor's court has no jurisdiction over traffic violations charged under state law and the Louisiana Highway Regulatory Act, La. R.S. 32:1 -1801.

AG Op. No. 06-0008: Discusses duties and responsibilities of mayor, board of aldermen, and chief of police relative to mayor's court and traffic citations.

AG Op. No. 00-197: Mayor's courts have jurisdiction to conduct trials, determine guilt, and impose sentences including fines and imprisonment for breach of municipal ordinances. Mayor's courts may impose penalties for breach of municipal ordinances if the fine does not exceed \$500.00, or by imprisonment by not more than sixty days, or both.

AG Op. No. 97-118: Concerns legality of proposed compensation to mayor and clerk of mayor's court with monies collected from fines imposed in mayor's court. References AG Op. Nov. 22, 1972, which states:

A mayor may not constitutionally sit as a judge of a mayor's court if a substantial part of the municipality's income is derived from fines, forfeitures, fees, and costs imposed by the mayor's court and the mayor's power and responsibility in financial matters is great enough to warrant an inference that he cannot be considered an impartial judge and might be tempted to maintain the high level of income contribution from this source. Op. Atty. Gen., Nov. 22, 1972.

AG Op. No. 01-116: Discusses mayor's court and provides:

- A mayor's court may be abolished by an act of the legislature.
- The mayor holds the same position as a city court judge concerning the disposition of traffic tickets.
- Thus, no DWI citations may be disposed of in a mayor's court. In general, the Mayor's court jurisdiction is limited to municipal violations. No other state or parish violations are within that court's authority.