

CITY ORDINANCE NO. CO-057-2022

AN ORDINANCE OF THE LAFAYETTE CITY COUNCIL AMENDING LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT CODE OF ORDINANCES CHAPTER 62, ARTICLE I, DIVISION 2, SECTION 62-85 "DOMESTIC ABUSE BATTERY"

BE IT ORDAINED by the Lafayette City Council, that:

WHEREAS, the Lafayette City Council has determined that it is in the interest of public safety and welfare to amend Section 62-85 "Domestic Abuse Battery," of Chapter 62 "Offenses and Miscellaneous Provisions," Article I "Crimes and Offenses in the City of Lafayette," Division 2 "Specific Crimes and Offenses in the City of Lafayette" of the Lafayette City-Parish Consolidated Government Code of Ordinances.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Lafayette City Council that:

SECTION 1: All of the aforescribed "Whereas" clauses are adopted as part of this ordinance.

SECTION 2: Chapter 62, Article I, Division 2, Section 62-85 of the LGC Code of Ordinances is hereby amended and reenacted in the following particulars, with words in ~~striketrough~~ being deletions from existing law, and words underscored and boldfaced being additions:

**Sec. 62-85. – Domestic abuse battery.**

(a) Domestic abuse battery is the intentional use of force or violence committed by one household member or family member upon the person of another household member or family member without the consent of the victim.

(b) For purposes of this section:

Court-approved domestic abuse intervention program means a program, comprised of a minimum of twenty-six in-person sessions occurring over a minimum of twenty-six weeks, that follows a model designed specifically for perpetrators of domestic abuse. The offender's progress in the program shall be monitored by the court.

*Community service activities* 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.

*Household member* means any person of the opposite sex living with the defendant as a spouse, whether married or not, in the same residence or structure presently or within five years of the occurrence of the domestic abuse battery; presently or formerly living in the same residence with the offender and who is involved or has been involved in a sexual or intimate relationship with the offender, or any child presently or formerly living in the same residence with the offender, or any child of the offender regardless of where the child resides.

Family member means spouses, former spouses, parents, children, stepparents, stepchildren, foster parents, foster children, other ascendants, and other descendants. "Family member" also means the other parent or foster parent of any child or foster child of the offender.

(c) On a first conviction, notwithstanding any other provision of law to the contrary, the offender shall be fined not less than \$300.00 and not more than \$1,000.00 and shall be imprisoned for not less than ten days and not more than six months. At least 48 hours of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence. Imposition or execution of the remainder of the sentence shall not be suspended unless: (1) The offender is placed on probation with a minimum condition that he serve four days in jail and participate in a court-approved domestic abuse intervention program, and the offender shall not own or possess a firearm throughout the entirety of the sentence; or (2) The offender is placed on probation with a minimum condition that he perform eight eight-hour days of court approved community service activities and participate in a court-approved domestic abuse intervention program, and the offender shall not own or possess a firearm throughout the entirety of the sentence.

(d) On conviction of a second offense, notwithstanding any other provision of law to the contrary, regardless of whether the second offense occurred before or after the first conviction, the offender shall be fined not less than \$750.00 and not more than \$1,000.00 and shall be imprisoned for not less than 30 days and not more than six months. At least 48 hours of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence. Imposition or execution of the remainder of the sentence shall not be suspended unless: (1) The offender is placed on probation with a minimum condition that he serve 15 days in jail and participate in a court-approved domestic abuse intervention program, and the offender shall not own or possess a firearm throughout the entirety of the sentence; or (2) The offender is placed on probation with a minimum condition that he perform 30 eight-hour days of court approved community service activities and participate in a court-approved domestic abuse intervention program, and the offender shall not own or possess a firearm throughout the entirety of the sentence.

**SECTION 3:** This adjustment shall be as reflected in any pertinent documents which are attached hereto and made a part hereof and filed in the Office of the Lafayette Clerk of the Council.

**SECTION 4:** All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

**SECTION 5:** This ordinance shall become effective upon signature of the Lafayette Mayor-President, the elapse of ten (10) days after receipt by the Lafayette Mayor-President without signature or veto, or upon an override of a veto, whichever occurs first.

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APR 13 2022

Lafayette Consolidated Government  
Chief Administrative Officer

## Internal Memorandum

Legal Department  
Director's Office (1400)

**TO:** Cydra Wingerter, Chief Administrative Officer

**CC:** Gregory J. Logan, City-Parish Attorney

**FROM:** C. Slade Norfleet, Assistant City-Parish Attorney

**SUBJECT:** City Council Agenda Item – City Ordinance  
May 3, 2022 Meetings – Introduction  
May 17, 2022 Meetings – Final Adoption

**DATE:** April 8, 2022

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Cydra,

On behalf of Greg Logan, I submit the following, to wit:

- A. AN ORDINANCE OF THE LAFAYETTE CITY COUNCIL AMENDING LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT CODE OF ORDINANCES CHAPTER 62, ARTICLE I, DIVISION 2, SECTION 62-85 "DOMESTIC ABUSE BATTERY"
- B. City Ordinance – Agenda Item Submittal Form

I respectfully request that this City Ordinance be placed on the City Council's May 3, 2022 Meeting Agenda for consideration, for introduction, with consideration for final adoption at the City Council's May 17, 2022 meeting.



C. Slade Norfleet  
Assistant City-Parish Attorney

LAFAYETTE CITY COUNCIL MEETING

AGENDA ITEM SUBMITTAL FORM

1) JUSTIFICATION FOR REQUEST: Amendment to LCG Code of Ordinances,

Chapter 62, Article I, Division 2, Section 62-85 "Domestic Abuse Battery".

2) ACTION REQUESTED: Adoption of ordinance.

3) COUNCIL DISTRICT(S) (CIP PROGRAM/PROJECTS ONLY): \_\_\_\_\_

4) REQUESTED ACTION OF COUNCIL:

A) INTRODUCTION: May 3, 2022

B) FINAL ADOPTION: May 17, 2022

5) DOCUMENTATION INCLUDED WITH THIS REQUEST:

A) Cover Memo (1 page)

B) City Ordinance (2 pages)

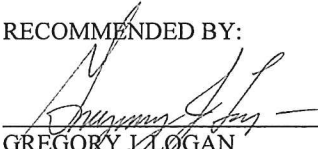
C) Submittal Form (1 page)

6) FISCAL IMPACT:

\_\_\_\_\_ Fiscal Impact (Explain)

X No Fiscal Impact

RECOMMENDED BY:

  
\_\_\_\_\_  
GREGORY J. LOGAN  
CITY-PARISH ATTORNEY

APPROVED FOR AGENDA:

  
\_\_\_\_\_  
CYDRA WINGERTER  
CHIEF ADMINISTRATIVE OFFICER