

**ORDINANCE**  
**CITY OF NEW ORLEANS**

**CITY HALL: September 19, 2019**

**CALENDAR NO. 32,776**

**NO. \_\_\_\_\_ MAYOR COUNCIL SERIES**

**BY: COUNCILMEMBER WILLIAMS**

**AN ORDINANCE** to amend and reordain Section 50-104 of the Code of the City of New Orleans relative to the imposition and collection of fines, to explicitly mandate ability to pay determinations; to rescind Section 50-108 of the City Code relative to release from imprisonment upon payment of sum; and otherwise to provide with respect thereto.

**SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS,** That Section 50-104 of the Code of the City of New Orleans is hereby amended and reordained to read as follows:

**“Sec. 50-104. Imposition, collection, and disposition of fines.**

(a) The power to impose a fine or penalty upon conviction in municipal court belongs exclusively to the municipal court judges.

(b) No fine shall be imposed by a municipal court judge without first conducting an assessment of the defendant’s ability to pay. Any fines imposed, unless otherwise required by law, shall be commensurate with the findings of such assessment.

(c) Where a defendant is found to be indigent, non-financial alternative sanctions shall be considered. If the Court determines a fine or restitution to be the appropriate and adequate penalty for a crime, it may not thereafter imprison a person solely because he or she lacks the resources to pay it.

14 (d) All fines, penalties, or forfeitures imposed by the judges of the municipal court shall be  
15 collected by them or their clerk and by them paid daily to the city treasurer. No person,  
16 except the judge or his clerk, shall be allowed to receive any payment of a fine or penalty  
17 or give a receipt therefor.”

1 **SECTION 2.** That Section 50-108 of the Code of the City of New Orleans is hereby  
2 amended to read as follows:

3 **“Sec. 50-108. Reserved.”**

**ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS** \_\_\_\_\_

\_\_\_\_\_  
**PRESIDENT OF THE COUNCIL**

**DELIVERED TO THE MAYOR ON** \_\_\_\_\_

**APPROVED:**

**DISAPPROVED:** \_\_\_\_\_

\_\_\_\_\_  
**MAYOR**

**RETURNED BY THE MAYOR ON** \_\_\_\_\_ **AT** \_\_\_\_\_

\_\_\_\_\_  
**CLERK OF COUNCIL**

**ROLL CALL VOTE:**

**YEAS:**

**NAYS:**

**ABSENT:**