

1 Introduced August 24, 1999, by Councilman  
2 Washington, seconded by Councilman Binder  
3 (both by request of Chief of Police and the  
4 City Attorney)  
5

6 **Item No. 99-08-2116**  
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8  
9 **ORDINANCE NO. 2916**  
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11 An ordinance amending the Code of Ordinances of the City of Slidell, Chapter  
12 9 Criminal Code, to provide for amendments thereto.  
13

14 BE IT ORDAINED by the Slidell City Council that Chapter 9 Criminal code of  
15 the Code of Ordinances of the City of Slidell be amended as follows:

16 Delete Sec. 9-35. Theft. in its entirety and replace with the following:

17 "Sec. 9-35. Theft.

18 (A) Theft is the misappropriation or taking of anything of value which belongs  
19 to another, either without the consent of the other to the misappropriation or taking, or by  
20 means of fraudulent conduct, practices, or representations. An intent to deprive the other  
21 permanently of whatever may be the subject of the misappropriation or taking is essential.

22 (B) Whoever commits the crime of theft when the misappropriation or taking  
23 amounts to less than a value of three hundred dollars, the offender shall be imprisoned for  
24 not more than six months, or may be fined not more than five hundred dollars, or both."

25 Add a new Section 9-35.1 Theft of Goods. to read as follows:

26 "Sec. 9-35.1 Theft of Goods.

27 (A) Theft of goods is the misappropriation or taking of anything of value which  
28 is held for sale by a merchant, either without the consent of the merchant to the  
29 misappropriation or taking, or by means of fraudulent conduct, practices, or representations.  
30 An intent to deprive the merchant permanently of whatever may be the subject of the  
31 misappropriation or taking is essential and may be inferred when a person:

- 32 (1) Intentionally conceals, on his person or otherwise, goods held for sale.  
33 (2) Alters or transfers any price marking reflecting the actual retail price of  
34 the goods.  
35 (3) Transfers goods from one container or package to another or places  
36 goods in any container, package, or wrapping in a manner to avoid  
37 detection.  
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6 (4) Willfully causes the cash register or other sales recording device to  
7 reflect less than the actual retail price of the goods.

8 (5) Removes any price marking with the intent to deceive the merchant as  
9 to the actual retail price of the goods.

10 (6) Damages or consumes goods or property so as to render it  
11 unmerchantable.

12 (B) Whoever commits the crime of theft of goods when the misappropriation or  
13 taking amounts to less than a value of one hundred dollars, the offender shall be imprisoned  
14 for not more than six months or may be fined not more than five hundred dollars.”

15 Delete Sec. 9-38. Issuing Worthless Checks. in its entirety and replace with the  
16 following:

17 “Sec. 9-38 Issuing Worthless Checks.

18 (A)(1)(a) Issuing worthless checks is the issuing, in exchange for anything of  
19 value, whether the exchange is contemporaneous or not, with intent  
20 to defraud, of any check, draft, or order for the payment of money  
21 upon any bank or other depository, knowing at the time of the issuing  
22 that the offender has not sufficient credit with the bank, or other  
23 depository for the payment of such check, draft, or order in full upon  
24 its presentation.

25 (b) This Section shall apply to a check, draft, or order tendered for  
26 satisfaction, in whole or in part, of payments due on installment  
27 contracts, open accounts, or any other obligation for which the  
28 creditor has authorized periodic payments or the extension of time  
29 in which to pay.

30 (c) This provision shall apply to a check, draft, or order for the payment  
31 of money given for a motor vehicle when such payment is  
32 conditioned upon delivery of documents necessary for transfer of a  
33 valid title to the purchaser.  
34

6 (d) For purposes of this Section, an open account shall include accounts  
7 where checks are tendered as payment:

8 (i) In advance of receipt, in whole or in part, for telecommunication  
9 facilities or services.

10 (ii) For deposits, prepayments, or payments for the lease or rent of  
11 a rental motor vehicle, pursuant to a lease or rental agreement.

12 (2) The offender's failure to pay a check, draft, or order, issued for value,  
13 within ten days after notice of its nonpayment upon presentation has  
14 been deposited by certified mail in the United States mail system  
15 addressed to the issuer thereof either at the address shown on the  
16 instrument or the last known address for such person shown on the  
17 records of the bank upon which such instrument is drawn or within  
18 ten days after delivery or personal tender of the written notice to said  
19 issuer by the payee or his agent, shall be presumptive evidence of  
20 his intent to defraud.

21 (B) Issuing worthless checks is also the issuing, in exchange for anything of  
22 value, whether the exchange is contemporaneous or not, with intent to defraud, of any  
23 check, draft, or order for the payment of money, when the offender knows at the time of the  
24 issuing that the account designated on the check, draft, or order has been closed, or is  
25 nonexistent or fictitious, or is one in which the offender has no interest or on which he has  
26 no authority to issue such check, draft, or order.

27 (C) Whoever commits the crime of issuing worthless checks, when the amount  
28 of the check or checks is less than one hundred dollars, the offender shall be imprisoned  
29 for not more than six months, or may be fined not more than five hundred dollars, or both.

30 (D) In addition to any other fine or penalty imposed under this Section, the court  
31 shall order as part of the sentence restitution in the amount of the check or checks, plus a  
32 fifteen dollar per check service charge payable to the person or entity that initially honored  
33 the worthless check or checks, an authorized collection agency, or justice of the peace. In  
34 the event the fifteen dollar per check service charge is paid to a person or entity other than

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6 one who initially honored the worthless check or checks, the court shall also order as part  
7 of the sentence restitution equal to the amount that the bank or other depository charged  
8 the person or entity who initially honored the worthless check, plus the actual cost of  
9 notifying the offender of nonpayment as required in Paragraph A(2).”

10 Delete Section 9-40. Prostitution. in its entirety and replace with the following:

11 “Sec. 9-40. Prostitution.

12 (A) Prostitution is:

13 (1) The practice by a person of indiscriminate sexual intercourse with  
14 others for compensation.

15 (2) The solicitation by one person of another with the intent to engage in  
16 indiscriminate sexual intercourse with the latter for compensation.

17 (B) Whoever commits the crime of prostitution shall be fined not more than five  
18 hundred dollars or be imprisoned for not more than six months, or both.

19 (C) If the offense occurred as a result of a solicitation by the offender while the  
20 offender was located on a public road or highway, or the sidewalk, walkway, or public  
21 servitude thereof, the court shall sentence the offender to imprisonment for a minimum of  
22 ninety days which, except as provided in this Subsection, shall not be suspended. The  
23 court may suspend imposition of forty-five days of the ninety-day imprisonment and place  
24 the offender upon supervised probation if the offender agrees, as a condition of probation,  
25 to perform two hundred forty hours of community service work collecting or picking up litter  
26 and trash on the public roads, streets, and highways, under conditions specified by the  
27 court.

28 (D) All persons who are convicted of the offense of prostitution shall be referred  
29 to the Parish health unit for counseling concerning Acquired Immune Deficiency Syndrome.  
30 The counseling shall be provided by existing staff of the Parish health unit whose duties  
31 include such counseling. “  
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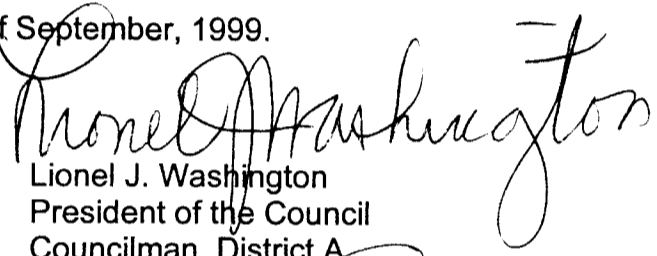
6 Add a new Section 9-40.1. Prostitution by Massage. to read as follows:

7 "Sec. 9-40.1 Prostitution by Massage.

8 (A) Prostitution by massage is the erotic stimulation of the genital organs of  
9 another by any person, whether resulting in orgasm or not, by instrumental manipulation,  
10 touching with the hands, or other bodily contact exclusive of sexual intercourse when done  
11 for compensation.

12 (B) Whoever commits the crime of prostitution by massage shall be fined not  
13 more than five hundred dollars or imprisoned not more than six months, or both."  
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15 **ADOPTED** this 28th day of September, 1999.

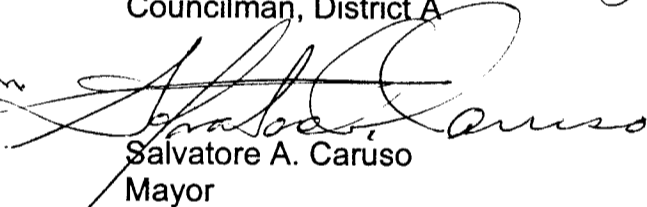
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18  
19 Lionel J. Washington  
20 President of the Council  
21 Councilman, District A

22 **DELIVERED** 9:30 a.m.

23 10/1/99 to the Mayor

24 **RECEIVED** 10:00 a.m.

25 10/4/99 from the Mayor

26   
27 Salvatore A. Caruso  
28 Mayor

29 

30 Davis Dautreuil  
31 Council Administrator/Clerk of the Council  
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