

OPINION 00-198

Ms. Donna Condon
Town Clerk
P. O. Box 308
New Llano, LA 71461

Dear Ms. Condon:

In response to your inquiry of recent date, note that a mayor's court has no jurisdiction over DWI (driving while intoxicated) prosecutions. Pursuant to R.S. 13:1894.1(B), a mayor's court is without authority to review such cases, as the statute pertinently provides:

- B. For purposes of this Section all city, parish, and municipal courts shall have concurrent jurisdiction with the district courts over violations otherwise subject to their jurisdiction provided for by R.S. 14:98, except in those cases wherein the person or defendant is charged as a third or subsequent offender under the provisions of R.S. 14:98(D) and (E). If the charge is for a third or subsequent offense, the prosecution shall be had only in the district court and the defendant shall have the right to a trial by jury. However, mayors' courts shall have no jurisdictions whatsoever over violations as provided for by R.S. 14:98, nor to the trial of offenses against municipal ordinances relative to prosecutions on charges of driving while intoxicated. (Emphasis added).

We forward to you copies of Attorney General Opinions 98-157 and 97-315, which reflect a similar conclusion.

Should you have other questions in which we may provide assistance, please contact this office.

Very truly yours,

RICHARD P. IEYOUB
ATTORNEY GENERAL

BY:

KERRY L. KILPATRICK
ASSISTANT ATTORNEY GENERAL

KLK:ams

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15 COURTS

56 JUDGES

R.S. 13:1894.1(B)

Mayors' courts lack authority to dispense with DWI prosecutions.

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Town Clerk
P. O. Box 308
New Llano, LA 71461

Date Received
Date Released May 18, 2000

KERRY KILPATRICK
ASSISTANT ATTORNEY GENERAL