

2017 Regular Session

SENATE BILL NO. 43

BY SENATOR MARTINY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COURTS. Provides relative to compensation and distribution of costs of justices of the peace and constables. (8/1/17)

1 AN ACT

2 To amend and reenact R.S. 13:2590(B), the introductory paragraph of 2590.1(B), and (C),

3 relative to justice of the peace courts; to provide for court costs; to provide for

4 distribution of court costs; to provide for court costs in certain parishes; to provide

5 for agreements in cases with out-of-constable jurisdiction; and to provide for related

6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:2590(B), the introductory paragraph of 2590.1(B), and (C) are

9 hereby amended and reenacted to read as follows:

10 §2590. Security for costs; ~~advanced costs deposit~~

11 * * *

12 B.(1) Fifty percent of ~~each fee and deposit~~ **such court costs** shall be retained

13 by the justice of the peace for ~~fees~~ **compensation** and operational expenses of the

14 office and court, and fifty percent of ~~the fees and deposits~~ **such court costs** shall be

15 used for ~~fees~~ **compensation** and operational expenses of the ward constable's office.

16 **(2) Notwithstanding Paragraph (1) of this Subsection, in cases with**

17 **out-of-constable jurisdiction, the justice of the peace and his ward constable's**

1 office may enter into an agreement whereby the justice of the peace shall pay
 2 any applicable fees directly to the out-of-jurisdiction server. The justice of the
 3 peace shall pay such fees from his ward constable office's portion of the court
 4 costs.

* * *

§2590.1. Appointment of clerk of court; security for costs; ~~advanced costs deposit;~~

East Baton Rouge Parish; Jefferson Parish

* * *

B. A justice of the peace in East Baton Rouge Parish and Jefferson Parish
 may demand and receive up to the following amounts in addition to or in lieu of the
~~fees and~~ costs provided for in R.S. 13:2590 for filings and services in civil matters:

* * *

C. ~~Each fee and deposit~~ **All amounts** received pursuant to Subsection B shall
 be retained by the justice of the peace in a separate account for ~~fees~~ **compensation**
 and operational expenses of the clerk of court's office.

* * *

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Ashley E. Menou.

DIGEST

SB 43 Engrossed

2017 Regular Session

Martiny

Present law allows a justice of the peace to demand and receive certain amounts for certain filings and services in civil matters.

Present law provides that 50% of each fee and deposit shall be retained by the justice of the peace to be used for fees and operational expenses and 50% is to be used for fees and operational expenses of the ward constable's office.

Proposed law provides that 50% of the court costs shall be retained by the justice of the peace to be used for compensation and operational expenses and 50% of the court costs shall be used for compensation and operational expenses of the ward constable's office.

Proposed law provides that in cases requiring out-of-jurisdiction service, the justice of the peace and his ward constable's office may enter into an agreement whereby the justice of the peace pays the out-of-jurisdiction server directly. Proposed law further provides that the out-of-jurisdiction server's fee shall be paid from the ward constable office's portion of the court costs.

Present law provides that a justice of the peace in Jefferson and East Baton Rouge parishes may demand and receive certain amounts in addition or in lieu of fees and costs provided

in present law.

Present law provides that each fee and deposit received by a justice of the peace shall be retained in a separate account for fees and operational expenses of the clerk of court's office.

Proposed law provides that all amounts received by a justice of the peace shall be retained in a separate account for compensation and operational expenses of the clerk of court's office.

Effective August 1, 2017.

(Amends R.S. 13:2590(B), 2590.1(B)(intro para), and (C))