

2017 Regular Session

HOUSE BILL NO. 126

BY REPRESENTATIVE BACALA

CIVIL/GARNISHMENT: Provides relative to payment of processing fee for certain garnishment proceedings

1 AN ACT

2 To amend and reenact R.S. 13:2590(A)(introductory paragraph) and 3921(A) and to enact  
3 R.S. 13:2590(A)(33), relative to garnishments; to provide relative to processing fees  
4 prior to payment to a creditor; to provide for justice of the peace fees from the  
5 garnishment process; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:2590(A)(introductory paragraph) and 3921(A) are hereby  
8 amended and reenacted and R.S. 13:2590(A)(33) is hereby enacted to read as follows:

9 §2590. Security for costs; advanced costs deposit

10 A. A justice of the peace may demand and receive up to the following  
11 amounts ~~and no others for filings and services in all~~ civil matters:

12 \* \* \*

13 (33) For commission for the processing of a garnishment proceeding, a six  
14 percent fee of whatever sum for which judgment may be obtained.

15 \* \* \*

16 §3921. Judgment fixing portion subject to seizure, payment to creditor and  
17 processing fee

18 A. In every case in which the wage or salary of a laborer, wage earner,  
19 artisan, mechanic, engineer, fireman, carpenter, bricklayer, secretary, bookkeeper,  
20 clerk, employee on a commission basis, or employee of any nature and kind

1           whatever, whether skilled or unskilled, shall be garnished either under attachment  
2           or fieri facias or as otherwise provided by law, a judgment shall be rendered by the  
3           court of competent jurisdiction in which the garnishment proceedings may be  
4           pending fixing the portion of such wage, salary, commission, or other compensation  
5           as may be exempt, as provided by law, and providing for the payment to the sheriff,  
6           marshal, constable, or justice of the peace for processing prior to payment to the  
7           seizing creditor of whatever sum for which judgment may be obtained, out of the  
8           portion of such compensation which is not exempt.

9   \*       \*       \*

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 126 Original

2017 Regular Session

Bacala

**Abstract:** Requires that the payments from a judgment garnishing wages be processed first by the sheriff, marshal, constable, or justice of the peace before going to the creditor and allows the justice of the peace to collect a six percent processing fee.

Present law requires that in specific garnishment proceedings, a judgment shall be rendered which provides for payment to seizing creditors.

Proposed law allows the justice of the peace to receive a six percent processing fee in certain cases involving the garnishment of wages.

Proposed law amends present law to require that the sheriff, marshal, constable, or justice of the peace first receive the payment from certain garnishment proceedings for processing before the payment is made to the seizing creditor.

(Amends R.S. 13:2590(A)(intro. para.) and 3921(A); Adds R.S. 13:2590(A)(33))