

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), (B), and (C) and 3921(A)
3 and to enact R.S. 13:2590(D), relative to collection of costs or fees; to provide
4 relative to processing fees prior to payment to a creditor; to provide relative to fees
5 collected by constables of justice of the peace courts; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:2590(A)(introductory paragraph), (B), and (C) and 3921(A) are
9 hereby amended and reenacted and R.S. 13:2590(D) is hereby enacted to read as follows:

10 §2590. Security for costs; advanced costs deposit

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

13 * * *

14 B. The constable of a justice of the peace court shall be entitled to a fee of six
15 percent for collecting money for execution of a writ of fieri facias, without either
16 seizure or sale.

17 ~~B~~ C. Fifty percent of each fee and deposit collected pursuant to Subsection
18 A of this Section shall be retained by the justice of the peace for fees and operational
19 expenses of the office and court, and fifty percent of the fees and deposits shall be
20 used for fees and operational expenses of the ward constable's office.

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.), (B), and (C) and 3921(A); Adds R.S. 13:2590(D))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Remove provision allowing a justice of the peace to collect a 6% commission for processing of a garnishment proceeding.
2. Add a provision allowing the constable of a justice of the peace to receive a 6% fee for collecting money for execution of a writ of fieri facias, without either seizure or sale.
3. Remove the language allowing a justice of the peace to be paid a fee prior to payment to the seizing creditor.
4. Make technical amendments.

The House Floor Amendments to the engrossed bill:

1. Make technical amendments to provide for consistency.