
DIGEST

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HB 73 Engrossed

2018 Regular Session

Bacala

Abstract: Requires the constable of a justice of the peace to collect a 6% fee for collecting money for execution of a writ of fieri facias, and provides for payment to the sheriff, marshal, or constable prior to payment to the seizing creditor.

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

Proposed law allows 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. The collected money shall be used for compensation 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.

Proposed law requires the garnishee, sheriff, marshal, or constable to make a reasonable effort to contact the creditor and obtain a current balance prior to releasing or terminating any garnishment.

(Amends R.S. 13:2590(A)(intro. para.), (B) and (C) and 3921; 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. Authorize the constable to use collected money for compensation and operational expenses of the ward constable's office.
2. Require the garnishee, sheriff, marshal, or constable to make a reasonable effort to contact the seizing creditor and obtain a current balance prior to the termination of any garnishment proceeding.