

GREEN SHEET REDIGEST

HB 73

2018 Regular Session

Bacala

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

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

DIGEST

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

Present 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.

Proposed law provides that the 6% fee 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 provides that the sheriff, marshal, or constable shall apply and deduct their commission percentage from each garnishment payment upon receipt prior to remitting each payment 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.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the reengrossed bill

1. Adds the present law citation for the fee to which a constable is entitled for the execution of a writ, without either seizure or sale.
2. Requires the sheriff, marshal, or constable to apply and deduct their commission percentage from each garnishment payment prior to remitting each payment to the seizing creditor.