

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 73

2018 Regular Session

Bacala

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

Synopsis of Senate Amendments

1. Provides that the present law fee in which the constable of a justice of the peace court is entitled for execution of a writ shall be used for compensation and operational expenses of the ward constable's office.
2. Requires the sheriff, marshal, or constable to apply and deduct their commission percentage from each garnishment payment upon receipt prior to remitting payment to the seizing creditor.

Digest of Bill as Finally Passed by Senate

Present law provides for certain fees in civil matters that the justice of the peace may collect, with 50% of the costs collected retained by the justice of the peace for compensation and the operational expenses of the office, and 50% of the costs collected to be used for compensation and operational expenses of the ward constable's office.

Proposed law retains present law and provides that the fee collected by constables of a justice of the peace court pursuant to present law (R.S. 13:5807(A)(14)) for the execution of a writ shall be used for compensation and operational expenses of the ward constable's office.

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

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. Requires the sheriff, marshal, or constable to apply and deduct their commission percentage from each garnishment payment prior to remitting payment to the 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))