

ACT No. 261

2018 Regular Session

HOUSE BILL NO. 73

BY REPRESENTATIVE BACALA

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AN ACT

To amend and reenact R.S. 13:2590(A)(introductory paragraph), (B) and (C) and 3921 and to enact R.S. 13:2590(D), relative to collection of costs or fees; to provide relative to processing fees prior to payment to a creditor; to provide relative to fees collected by constables of justice of the peace courts; to provide for the use of such fees; to provide with respect to the seizure of creditor; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§2590. Security for costs

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

* * *

B.(1) Fifty percent of ~~such the~~ the court costs collected pursuant to Subsection A of this Section shall be retained by the justice of the peace for compensation and operational expenses of the office and court, and fifty percent of ~~such the~~ the court costs shall be used for compensation and operational expenses of the ward constable's office.

(2) Notwithstanding Paragraph (1) of this Subsection, in cases with out-of-constable jurisdiction, the justice of the peace and his ward constable's office may enter into an agreement whereby the justice of the peace shall pay any applicable fees directly to the out-of-jurisdiction server. The justice of the peace shall pay such fees from his ward constable office's portion of the court costs.

1 B.C. The court shall also provide in the judgment for a processing fee of
 2 three dollars to be deducted by the employer from the nonexempt income of the
 3 employee for each pay period during which the judgment of garnishment is in effect.
 4 The processing fee shall be for the costs of the employer in complying with the
 5 judgment of garnishment.

6 E.D. In garnishment proceedings in which the employee is a state officer or
 7 employee, the processing fee provided by Subsection ~~B C~~ C of this Section shall be
 8 paid into the state treasury and, in accordance with Article VII, Section 9 of the
 9 Constitution of Louisiana, shall be credited to the Bond Security and Redemption
 10 Fund.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____