

2020 Regular Session

HOUSE BILL NO. 116

BY REPRESENTATIVE COX

COURTS/COURT COSTS: Provides relative to the use of court costs and fees for services by constables and marshals

1 AN ACT

2 To amend and reenact R.S. 13:5807(A)(15) and 5807.1(A)(introductory paragraph), to enact
3 R.S. 13:5807(C), and to repeal R.S. 13:5807.1(D), relative to costs and fees; to
4 provide relative to the fees of office of city marshals and constables; to increase fees
5 that the city marshal of Natchitoches is entitled to charge for services provided in
6 civil matters; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:5807(A)(15) and 5807.1(A)(introductory paragraph) are hereby
9 amended and reenacted and R.S. 13:5807(C) is hereby enacted to read as follows:

10 §5807. Fees and costs

11 A. Constables and marshals, except in Orleans Parish and as provided by
12 R.S. 13:5807.1, 5807.3, 5807.4, and 5807.5, shall be entitled to the following fees
13 of office, and no more, in civil matters:

14 * * *

15 (15) ~~For~~ Notwithstanding any other provision of law, any services rendered
16 or duties performed by the marshals or constables not otherwise ~~herein specially~~
17 ~~provided for~~ in this Subsection, ~~they~~ the marshals or constables shall be entitled to
18 a fee or commission to be determined by agreement with the parties in interest or
19 fixed by the court by rule tried in a summary manner in term time or in vacation.

20 * * *

Proposed law retains present law with regard to the excess funds collected as well as the fee schedule for all city marshals and constables but eliminates the marshal of the city of Natchitoches exception (R.S. 13:5807.1), allowing Natchitoches to be included in the general fee schedule.

Present law (R.S. 13:5807.1) provides for a list of enumerated fees in civil matters to be collected by the marshal for the cities of Natchitoches, Minden, Springhill, Franklin, and Winnfield.

Present law (R.S. 13:5807.1) allows the city marshal of Natchitoches to charge not less than \$10 but not more than \$20 for each service rendered in civil matters.

Proposed law removes Natchitoches from the list of cities authorized to collect fees as provided in present law (R.S. 13:5807.1).

By removing Natchitoches from present law (R.S. 13:5807.1) and adding the city to present law (R.S. 13:5807), the maximum amount a marshal or a constable can charge for each service rendered in civil matters changes from \$20 to \$30.

Proposed law provides that proposed law shall not become effective until the judicial council approves the costs or fees and that no fees shall be collected without judicial council approval.

(Amends R.S. 13:5807(A)(15) and 5807.1(A)(intro. para.); Adds R.S. 13:5807(C); Repeals R.S. 13:5807.1(D))

Summary of Amendments Adopted by House

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

1. Add a stipulation that proposed law shall not be effective until the judicial council approves and that no fee shall be collected until the judicial council approves the increase.