

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; to provide relative to the marshal's training and equipment fund; to
7 provide relative to the use of the marshal's training and equipment fund; and to
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

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

12 §5807. Fees and costs

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

16 * * *

17 (15) ~~For~~ Notwithstanding any other provision of law, any services rendered
18 or duties performed by the marshals or constables not otherwise ~~herein specially~~
19 provided ~~for~~ in this Subsection, ~~they~~ the marshals or constables shall be entitled to

1 a fee or commission to be determined by agreement with the parties in interest or
2 fixed by the court by rule tried in a summary manner in term time or in vacation.

3 * * *

4 C. Notwithstanding any other provision of law to the contrary, but otherwise
5 in accordance therewith, the marshal of the city of Natchitoches shall be entitled to
6 a fee of office of not less than ten dollars but not more than thirty dollars for each
7 service rendered in civil matters. These fees shall be collected by the marshal and
8 deposited in the marshal's training and equipment fund. The marshal's training and
9 equipment fund shall be used to assist in the purchasing or updating of equipment
10 and officer training necessary to carry out the efficient performance of all duties
11 imposed by law on constables and marshals. The equipment and training fund shall
12 be subject to and included in the marshal's annual audit. A copy of the audit shall be
13 filed with the legislative auditor who shall make it available to the public.

14 * * *

15 §5807.1. Fees and costs; particular city marshals

16 A. Notwithstanding the provisions of R.S. 13:5807, ~~the marshal of the city~~
17 ~~of Natchitoches~~, the marshal of the city of Minden, the marshal of the city of
18 Springhill, the marshal of the city of Franklin, and the marshal of the city of
19 Winnfield shall each be entitled to the following fees of office and no more in civil
20 matters:

21 * * *

22 Section 2. R.S. 13:5807.1(D) is hereby repealed in its entirety.

23 Section 3. The imposition of court costs or fees as provided in this Act shall become
24 effective on the date of Judicial Council approval; no fees shall be collected without Judicial
25 Council approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 116 Reengrossed

2020 Regular Session

Cox

Abstract: Allows the city marshal and constables of the city of Natchitoches to collect fees and costs under the general fee schedule provided in present law (R.S. 13:5807).

Present law (R.S. 13:5807) creates a general fee schedule for all city marshals and constables except for those serving in Orleans Parish and the cities of Natchitoches, Minden, Springhill, Franklin, Winnfield, Slidell, Bogalusa, Ruston, and Houma for services provided by constables and marshals.

Present law (R.S. 13:5807) provides that 60 percent of any funds collected in excess of the minimum fees set forth in present law shall be deposited in the equipment and training fund and provides that such funds be used for specified purposes.

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 the fees collected by the marshal shall be deposited in the marshal's training and equipment fund which shall be used in purchasing or updating equipment and officer training necessary to carry out the performance of all duties imposed by law on constables and marshals.

Proposed law further provides that the fund shall be subject to and included in the marshal's annual audit which shall be filed with the legislative auditor who shall then make it available to the public.

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.

The House Floor Amendments to the engrossed bill:

1. Directs where the fees collected by the marshal shall be deposited and specifies the use of the fees.
2. Stipulates that the fund is subject to the marshal's annual audit which shall be filed with the legislative auditor who shall then make available to the public.