The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Lebra R. Bias.

DIGEST

SB 284 Original 2022 Regular Session Foil

Present law requires the judgment creditor to send the judgment debtor written notice of the filing of the garnishment petition by mail or electronically, and that the notice has no effect on the validity of the seizure. Proposed law repeals present law.

Present law requires the garnishee to file his sworn answers to the interrogatories within 15 days from the date service is made. Proposed law increases the time to answer from 15 days to 30 days from the date of service.

Present law requires the contradictory motion to be filed within 15 days after service of the notice of the filing of the garnishee's answer. Proposed law increases this filing period from 15 to 30 days.

Present law references contradictory motion pursuant to Art. 2413 which allows the judgment creditor to proceed by contradictory motion against the garnishee for the amount of the unpaid judgment plus interest and costs if the garnishee fails to answer the petition within 15 days of being served. Proposed law deletes this reference.

Present law provides that this article does not apply to garnishment of wages, salaries, or commissions. Proposed law adds tips to the list of items this article does not apply to.

Present law provides that judgment can be rendered against the garnishment of wages or salary. Proposed law retains present law and adds tips and other income to the types of garnishments that judgment can be rendered against. Proposed law also adds contractors to the list of wage/salary earners against whom a garnishment judgment can be rendered.

Present law provides that the court may reopen a garnishment case upon motion of any party for evidence affecting the continuance of such judgment. Proposed law specifies that such judgment referred to is the garnishment judgment.

Proposed law provides that this article shall not affect garnishment judgments rendered pursuant to a writ of fieri facias.

Effective August 1, 2022.

(Amends C.C.P. Arts. 2412(A) and (D), 2414, and 2415, and R.S. 13:3921(A) and 3923; repeals R.S. 20:32)