
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Tracy Sabina Sudduth.

SB 125 Original

DIGEST
2023 Regular Session

White

Present law provides that the state, any political subdivision as defined in present law, and any agent, officer, or employee of any governmental entity when acting within the scope and authority of such employment or when discharging his official duties may temporarily defer court costs, including cost of filing a judgment dismissing claims against the state, political subdivision, or agent, officer, or employee thereof, in any judicial proceeding instituted or prosecuted by or against the state, any political subdivision, or agent, officer, or employee thereof in any court of the state or any municipality of the state. Present law includes certain limited exceptions.

Present law further provides that costs which are temporarily deferred cannot be shifted to opposing parties during the pendency of such deferment; however, when a final judgment is rendered dismissing all claims against the state, a political subdivision, or agent, officer, or employee thereof and when the judgment taxes costs of the state, political subdivision, or agent, officer, or employee thereof against the opposing party, the opposing party shall be condemned to pay the temporarily deferred court costs.

Present law defines "political subdivision" as any parish, municipality, special district, school board, sheriff, public board, institution, department, commission, district, agency, authority, or an agency or subdivision of any of these, and any other public or governmental body of any kind which is not a state agency.

Present law also provides that if an opposing party condemned to pay temporarily deferred court costs fails to pay the assessed costs within thirty days of the judgment becoming final, the clerk of court may forward a certified copy of the recorded judgment to the office of debt recovery for collection. The office of debt recovery may collect any outstanding deferred court costs on behalf of the clerk of court.

Proposed law limits the application of present law with regard to the temporary deferral of court costs in suits filed in the 19th Judicial District Court to the state and its departments listed in R.S. 36:4(A). Proposed law also requires the state and the departments listed in present law to deposit an advance filing fee of \$200 to the 19th Judicial District Court.

Present law further provides that the attorney general may institute and prosecute any suit he may deem necessary for the protection of the interests and rights of the state without putting up security for costs, or any advance costs. It further provides that all costs for which the state may become liable shall be paid by the attorney general out of funds appropriated for that purpose.

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36:4(A). Proposed law also requires the state and the departments listed in present law to deposit an advance filing fee of \$200 to the 19th Judicial District Court. Further provides that if an opposing party condemned to pay temporarily deferred court costs fails to pay the assessed costs within thirty days of the judgment becoming final, the clerk of court may forward a certified copy of the recorded judgment to the office of debt recovery for collection. The office of debt recovery may collect any outstanding deferred court costs on behalf of the clerk of court.

Effective August 1, 2023.

(Amends R.S. 13:4521(A)(1) and 5036; adds R.S. 13:4521(E))