
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Hanna Gettys.

DIGEST

SB 308 Original

2024 Regular Session

Cloud

Proposed law provides that for the purpose of proposed law, a "squatter" is a person who occupies, possesses, or trespasses on the immovable property of another without legal authority, does not own, rent, or lease the property, and the owner did not acquiesce to the occupancy or possession.

Proposed law provides that an injunction may be used by instituting an executory proceeding in a court of competent jurisdiction to dispossess a squatter, trespasser, or person who attempts to occupy or exercise corporeal possession of immovable property adversely to the rights of the lawful possessor.

Proposed law provides that the suit for injunction brought pursuant to proposed law, if granted, shall immediately dispossess the squatter and enjoin him from occupying, possessing, or trespassing on the immovable property.

Proposed law provides that a person seeking to dispossess a squatter in an executory proceeding shall file a petition, praying for removal of the squatter who attempts to occupy or exercise corporeal possession of immovable property adversely to the rights of the lawful possessor. Proposed law provides that the petition shall comply with present law (C.C.P. Art. 891), and the plaintiff shall submit therewith the exhibits mentioned in present law (C.C.P. Art. 2635).

Proposed law provides that in order for the plaintiff to prove his right to use executory process to dispossess or remove a squatter, it is necessary only for the plaintiff to submit with his petition an authentic act evidencing ownership or title to the immovable property.

Proposed law provides that the following documentary evidence shall be deemed to be authentic pursuant to proposed law for purposes of executory process:

- (1) A certified copy or a duplicate original of an authentic act.
- (2) A certified copy of any judgment, judicial letters, or order of court.
- (3) All other documentary evidence recognized by law as authentic evidence.

Proposed law provides that the court shall award costs and attorney fees to the prevailing party for actions brought pursuant to proposed law. Proposed law provides that the obligation to pay attorney's fees shall not preclude the use of executory process.

Proposed law provides that whoever violates the provisions of proposed law shall be fined not less than \$100 and not more than \$500, or imprisonment for not more than 30 days, or both.

Effective August 1, 2024.

(Adds R.S. 9:5600.10-5600.13)