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HOUSE FLOOR AMENDMENTS

Amendments proposed by Representatives Garofalo and Abramson to Engrossed House Bill No. 917 by Representative Garofalo

1 AMENDMENT NO. 1

2 On page 1, line 2, change "Article 1732" to "Articles 1732, 1734, 1734.1(A), and 1874"

3 AMENDMENT NO. 2

4 On page 1, line 4, after "trial;" and before "and" insert the following:

5 "to provide additional limitations on jury trials in suits transferred from courts of
6 limited jurisdiction; to provide procedures for fixing and paying of the bond or cash
7 deposit for costs of a trial by jury;"

8 AMENDMENT NO. 3

9 On page 1, line 6, change "Article 1732 is" to "Articles 1732, 1734, 1734.1(A), and 1874
10 are"

11 AMENDMENT NO. 4

12 On page 2, after line 19, add the following:

13 "(6) An action transferred from a court of limited jurisdiction, unless the
14 party who filed the motion to transfer posts the bond or makes the deposit for costs
15 pursuant to Articles 1734 or 1734.1.

16 * * *

17 Art. 1734. Fixing the bond; calling the jury venire

18 A. Except as otherwise provided by R.S. 13:3105 et seq., ~~when the case has~~
19 ~~been set for trial, upon the filing of a pleading demanding a trial by jury, including~~
20 ~~the filing of an action transferred from a court of limited jurisdiction pursuant to~~
21 ~~Article 4873(3), the court shall fix the amount of the bond to cover all costs related~~
22 ~~to the trial by jury and shall fix the time for filing the bond, which shall be no later~~
23 ~~than sixty days prior to trial. Notice of the fixing of the bond shall be served on all~~
24 ~~parties. The bond shall be filed within thirty days after service of the notice of the~~
25 ~~fixing of the bond. If the bond is not filed timely, any other party shall have an~~
26 ~~additional ten days to file the bond.~~

27 B. ~~When the bond has been filed~~ Sixty days prior to trial, the clerk of court
28 shall order the jury commission to draw a sufficient number of jurors to try and
29 determine the cause, such drawing to be made in accordance with R.S. 13:3044.

30 Art. 1734.1. Cash deposit; procedure

31 A. ~~When the case has been set for trial, Upon the filing of a pleading~~
32 ~~demanding a trial by jury, including the filing of an action transferred from a court~~
33 ~~of limited jurisdiction pursuant to Article 4873(3), the court may order, in lieu of the~~
34 ~~bond required in Article 1734, a deposit for costs, which shall be a specific cash~~
35 ~~amount, and the court shall fix the time for making the deposit, which shall be no~~
36 ~~later than thirty days prior to trial. The deposit shall include sufficient funds for~~
37 ~~payment of all costs associated with a jury trial, including juror fees and expenses~~

1 and charges of the jury commission, clerk of court, and sheriff. The required deposit
 2 shall not exceed two thousand dollars for the first day and four hundred dollars per
 3 day for each additional day the court estimates the trial will last. Notice of the fixing
 4 of the deposit shall be served on all parties. The deposit shall be made within thirty
 5 days after service of the notice of the fixing of the deposit. If the deposit is not
 6 timely made, any other party shall have an additional ten days to make the required
 7 deposit. Failure to post the cash deposit shall constitute a waiver of a trial by jury.
 8 However, no cash deposit shall be required of an applicant for a jury trial under the
 9 provisions of this Article if waived or an order is rendered, pursuant to Chapter 5 of
 10 Title I of Book IX of the Code of Civil Procedure, permitting the applicant to litigate
 11 or continue to litigate without payment of costs in advance or furnishing security
 12 therefor.

* * *

13
 14 Art. 4874. Withdrawal of demand for jury trial after transfer
 15 ~~A motion to transfer pursuant to this Chapter~~ Filing of the action as a new
 16 proceeding by the clerk in district court pursuant to Article 4873(3) shall constitute
 17 a demand by the removing party for trial by jury. ~~He~~ The removing party may not
 18 subsequently withdraw the demand without the approval of the district court and the
 19 other party or parties."