



# OFFICE OF LEGISLATIVE AUDITOR Fiscal Note

Fiscal Note On: **HB 73** HLS 18RS 518  
Bill Text Version: **REENGROSSED**  
Opp. Chamb. Action: **w/ SEN COMM AMD**  
Proposed Amd.:  
Sub. Bill For.:

<b>Date:</b> April 25, 2018 12:28 PM	<b>Author:</b> BACALA
<b>Dept./Agy.:</b> Sheriffs, Marshals, and Constables	<b>Analyst:</b> Barbara Lively
<b>Subject:</b> Garnishment Payments	

CIVIL/GARNISHMENT RE1 NO IMPACT See Note Page 1 of 1  
Provides relative to payment of processing fee for certain garnishment proceedings

**Purpose of the Bill:** This bill provides that constables for justices of the peace are entitled to a 6% fee for collecting money for execution of a writ, without either seizure or sale. In addition, this bill provides that garnishment judgments will be paid to the sheriff, marshal, or constable for processing prior to being paid to the seizing creditor. Reasonable effort should be made to contact the seizing creditor for the current balance due before a garnishment is released or terminated.

EXPENDITURES	2018-19	2019-20	2020-21	2021-22	2022-23	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

  

REVENUES	2018-19	2019-20	2020-21	2021-22	2022-23	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

### EXPENDITURE EXPLANATION

**There is no anticipated direct material effect on governmental expenditures as a result of this measure.**

Based on information from the Louisiana Justice of the Peace & Constables Association (and various other contacts with Marshals, Sheriffs, and Justices of the Peace), this bill is not expected to impact expenditures as it appears that this bill is putting the current practice for processing garnishments into law.

### REVENUE EXPLANATION

**There is no anticipated direct material effect on governmental revenues as a result of this measure.**

Based on information from the Louisiana Justice of the Peace & Constables Association, this bill is not expected to impact the revenues of constables as it appears that this bill is putting the current practice for processing garnishments into law (nor will it impact the revenues of Marshals, Sheriffs, or Justices of the Peace).

Senate  
Dual Referral Rules  
 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}  
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}

House  
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}  
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

**Michael G. Battle**  
Manager, Advisory Services