2018 Regular Session

HOUSE BILL NO. 73

BY REPRESENTATIVE BACALA

1	AN ACT
2	To amend and reenact R.S. 13:2590(A)(introductory paragraph), (B) and (C) and 3921 and
3	to enact R.S. 13:2590(D), relative to collection of costs or fees; to provide relative
4	to processing fees prior to payment to a creditor; to provide relative to fees collected
5	by constables of justice of the peace courts; to provide for the use of such fees; to
6	provide with respect to the seizure of creditor; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 13:2590(A)(introductory paragraph), (B) and (C) and 3921 are
9	hereby amended and reenacted and R.S. 13:2590(D) is hereby enacted to read as follows:
10	§2590. Security for costs
11	A. A justice of the peace may demand and receive up to the following
12	amounts and no others for filings and services in all civil matters:
13	* * *
14	B.(1) Fifty percent of such the court costs collected pursuant to Subsection
15	A of this Section shall be retained by the justice of the peace for compensation and
16	operational expenses of the office and court, and fifty percent of such the court costs
17	shall be used for compensation and operational expenses of the ward constable's
18	office.
19	(2) Notwithstanding Paragraph (1) of this Subsection, in cases with
20	out-of-constable jurisdiction, the justice of the peace and his ward constable's office
21	may enter into an agreement whereby the justice of the peace shall pay any
22	applicable fees directly to the out-of-jurisdiction server. The justice of the peace shall
23	pay such fees from his ward constable office's portion of the court costs.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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1	C. The fee for which the constable of a justice of the peace court is entitled
2	pursuant to R.S. 13:5807(A)(14) for collecting money for execution of a writ,
3	without either seizure or sale, shall be used for compensation and operational
4	expenses of the ward constable's office.
5	\underline{C} . \underline{D} . Except when the plaintiff is relieved from the necessity of paying costs
6	or furnishing security therefor, under Articles 5181 through 5188 of the Code of
7	Civil Procedure Articles 5181 through 5188 or under R.S. 13:4521, a justice of the
8	peace may demand that the plaintiff provide costs in advance.
9	* * *
10	§3921. Judgment fixing portion subject to seizure, payment to creditor and
11	processing fee
12	A. In every case in which the wage or salary of a laborer, wage earner,
13	artisan, mechanic, engineer, fireman, carpenter, bricklayer, secretary, bookkeeper,
14	clerk, employee on a commission basis, or employee of any nature and kind
15	whatever, whether skilled or unskilled, shall be garnished either under attachment
16	or fieri facias or as otherwise provided by law, a judgment shall be rendered by the
17	court of competent jurisdiction in which the garnishment proceedings may be
18	pending fixing the portion of such wage, salary, commission, or other compensation
19	as may be exempt, as provided by law, and providing for the payment to the sheriff,
20	marshal, or constable for processing prior to payment to the seizing creditor of
21	whatever sum for which judgment may be obtained, out of the portion of such
22	compensation which is not exempt. The sheriff, marshal, or constable shall apply
23	and deduct their commission percentage as authorized by law from each garnishment
24	payment upon receipt prior to remitting each payment to the seizing creditor.
25	B. Prior to releasing or terminating any garnishment under this Part because
26	of amounts due under the garnishment have been paid or because the amount due as
27	reflected in the statement furnished pursuant to R.S. 13:3923 has been reached, the
28	garnishee or the sheriff, marshal, or constable shall make a reasonable effort to
29	contact the seizing creditor, and obtain the current balance due.

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1	B.C. The court shall also provide in the judgment for a processing fee of
2	three dollars to be deducted by the employer from the nonexempt income of the
3	employee for each pay period during which the judgment of garnishment is in effect.
4	The processing fee shall be for the costs of the employer in complying with the
5	judgment of garnishment.
6	C:D. In garnishment proceedings in which the employee is a state officer or
7	employee, the processing fee provided by Subsection $\frac{B}{C}$ of this Section shall be
8	paid into the state treasury and, in accordance with Article VII, Section 9 of the
9	Constitution of Louisiana, shall be credited to the Bond Security and Redemption

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____