

## RÉSUMÉ DIGEST

**ACT 261 (HB 73)**

**2018 Regular Session**

**Bacala**

Existing law provides for certain fees in civil matters that the justice of the peace may collect, with 50% of the costs collected retained by the justice of the peace for compensation and the operational expenses of the office, and 50% of the costs collected to be used for compensation and operational expenses of the ward constable's office.

New law retains existing law and provides that the fee collected by constables of a justice of the peace court pursuant to existing law (R.S. 13:5807(A)(14)) for the execution of a writ shall be used for compensation and operational expenses of the ward constable's office.

Existing law provides that in specific garnishment proceedings, a judgment shall be rendered which provides for payment to seizing creditors.

New law amends existing law to require that the sheriff, marshal, constable, or justice of the peace first receive the payment from certain garnishment proceedings for processing before the payment is made to the seizing creditor. Requires the sheriff, marshal, or constable to apply and deduct their commission percentage from each garnishment payment prior to remitting payment to the creditor.

New law requires the garnishee, sheriff, marshal, or constable to make a reasonable effort to contact the creditor and obtain a current balance prior to releasing or terminating any garnishment.

Effective August 1, 2018.

(Amends R.S. 13:2590(A)(intro. para.), (B) and (C) and 3921; Adds R.S. 13:2590(D))