

2019 Regular Session

HOUSE BILL NO. 512

BY REPRESENTATIVES COX AND JACKSON

1 AN ACT

2 To amend and reenact R.S. 13:5807(A)(1) through (11), (16) through (19), (21) through  
3 (24), (26), and (29) and (B), relative to costs and fees; to provide relative to city  
4 marshal and constable services; to provide for the use of fees and costs; to require  
5 certain funds to be deposited in the equipment and training fund; and to provide for  
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:5807(A)(1) through (11), (16) through (19), (21) through (24),  
9 (26), and (29) and (B) are hereby amended and reenacted to read as follows:

10 §5807. Fees and costs

11 A. Constables and marshals, except in Orleans Parish and as provided by  
12 R.S. 13:5807.1, 5807.3, 5807.4, and 5807.5, shall be entitled to the following fees  
13 of office, and no more, in civil matters:

14 (1) For making service or attempted service and return of citation with or  
15 without petition on each defendant, a minimum of ten dollars and a maximum of  
16 thirty dollars.

17 (2) For making service or attempted service and return of supplemental or  
18 amended petition with or without accompanying citation, a minimum of ten dollars  
19 and a maximum of thirty dollars.

20 (3) For making service or attempted service of interrogatories and notice of  
21 cross interrogatories, a minimum of ten dollars and a maximum of thirty dollars.

22 (4) For making service or attempted service and return of garnishment under  
23 writ of fieri facias, a minimum of twenty-eight dollars and fifty cents and a  
24 maximum of thirty dollars.

1 (5) For making service or attempted service and return of writ of attachment  
2 on each witness, a minimum of nine dollars and fifty cents and a maximum of thirty  
3 dollars.

4 (6) For executing writ of sequestration, provisional seizures, or distringas,  
5 in each case, a minimum of twelve dollars and fifty cents and a maximum of thirty  
6 dollars. For service of each notice to defendant and return thereon in connection  
7 with execution of any of the writs covered by this Paragraph, a minimum of ten  
8 dollars and a maximum of thirty dollars.

9 (7) For taking bond authorized by law, thirteen dollars and fifty cents.

10 (8) For making service or attempted service and return of notice of judgment,  
11 a minimum of ten dollars and a maximum of thirty dollars.

12 (9) For making service or attempted service and return of citation and  
13 petition of appeal and order, a minimum of ten dollars and a maximum of thirty  
14 dollars.

15 (10) For return of fieri facias, a minimum of ten dollars and a maximum of  
16 thirty dollars.

17 (11) For making service or attempted service and return of citations requiring  
18 personal service, a minimum of eleven dollars and fifty cents and a maximum of  
19 thirty dollars, specifically rule nisi, subpoena, subpoena duces tecum, judgment  
20 debtor.

21 \* \* \*

22 (16) For service and making return of any rule, order of court, or notice on  
23 any party to a suit or other proceeding, or after judgment rendered, where return of  
24 service is made by the constable or marshal, including service or notice of release of  
25 seizure, and other than those herein otherwise provided for, a minimum of ten dollars  
26 and fifty cents and a maximum of thirty dollars for each service; for service of a  
27 judgment debtor rule, a fee of a minimum of eleven dollars and fifty cents and a  
28 maximum of thirty dollars.

29 (17) For service of subpoena on each witness and making return thereof, a  
30 minimum of ten dollars and a maximum of thirty dollars.

1           (18) For service of attachment on a witness or for service on any person for  
2 contempt of court to be brought into court and for return thereon, a minimum of  
3 eleven dollars and fifty cents and a maximum of thirty dollars.

4           (19) For service of citation and petition of appeal for each party on whom  
5 service is directed to be made and for making return thereof, a minimum of ten  
6 dollars and a maximum of thirty dollars.

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8           (21) For executing writ of arrest and making return thereon, a minimum of  
9 eleven dollars and fifty cents and a maximum of thirty dollars.

10          (22) For serving writ of injunction, certiorari, mandamus, prohibition, or  
11 notice of demand and making return thereon, in each case a minimum of ten dollars  
12 and a maximum of thirty dollars.

13          (23) For executing writ of habeas corpus and making return thereon, to be  
14 charged in civil cases only, a minimum of eleven dollars and fifty cents and a  
15 maximum of thirty dollars.

16          (24) For serving notice of seizure and sale on one party and making a copy  
17 for recordation in the mortgage records, when necessary or required, and for making  
18 return for all, a minimum of fourteen dollars and fifty cents and a maximum of thirty  
19 dollars. For service of each additional notice of seizure and return, a minimum of ten  
20 dollars and a maximum of thirty dollars.

21   \*       \*       \*

22          (26) For preparing advertisement for newspapers, for each one hundred  
23 words or part thereof, a minimum of eleven dollars and fifty cents and a maximum  
24 of thirty dollars.

25   \*       \*       \*

26          (29)(a) For executing writ of possession and writ of ejectment, a minimum  
27 of ten dollars and a maximum of thirty dollars.

28          (b)(i) For service of each notice to vacate on defendant or occupants, a  
29 minimum of ten dollars and a maximum of thirty dollars.

1 (ii) If the defendant or occupants do not vacate the premises named in the  
 2 writ upon service of notice to vacate and the marshal or constable is required to do  
 3 anything further to obtain possession, he shall be entitled to an additional fee of a  
 4 minimum of ten dollars and fifty cents and a maximum of thirty dollars.

5 (c) Nothing herein shall be construed to bar the marshals or constables from  
 6 charging and collecting for cost of labor and other costs and expenses actually paid  
 7 or incurred by them in order to obtain possession of the premises described in the  
 8 writ.

9 \* \* \*

10 B. Sixty percent of any the funds collected in excess of the minimum fees  
 11 authorized by pursuant to Paragraphs (A)(1) through (12)(11) and Paragraphs  
 12 (A)(15) (16) through (30) (29) shall be deposited in the equipment and training fund  
 13 of this Section, shall be used to assist in funding the purchase or updating of  
 14 necessary equipment and officer training to carry out the efficient performance of all  
 15 duties imposed by law on constables and marshals. These funds shall be deposited  
 16 into an The money designated to be deposited in the equipment and training fund  
 17 shall be used to assist in the purchasing or updating of necessary equipment and  
 18 officer training to carry out the efficient performance of all duties imposed by law  
 19 on constables and marshals. The equipment and training fund which shall be subject  
 20 to and included in the constables' and marshals' annual audit. A copy of the audit  
 21 shall be filed with the legislative auditor who shall make it available to the public.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_