

2024 Regular Session

SENATE BILL NO. 308

BY SENATOR CLOUD

CIVIL PROCEDURE. Provides for occupancy and possession of immovable property.
(8/1/24)

1 AN ACT

2 To enact Chapter 1 of Code Title XXIII of Code Book III of Title 9 of the Louisiana Revised

3 Statutes of 1950, to be comprised of R.S. 9:5600.10 through 5600.13, relative to

4 occupancy and possession of immovable property; to provide relative to squatters;

5 to provide relative to executory process and injunctive relief to dispossess a squatter;

6 to provide relative to terms, conditions, requirements, and procedures; to provide for

7 definitions; to provide relative to attorney fees; to provide relative to criminal

8 penalties; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Chapter 1 of Code Title XXIII of Code Book III of Title 9 of the Louisiana

11 Revised Statutes of 1950, compromised of R.S. 9:5600.10 through 5600.13, is hereby

12 enacted to read as follows:

13 CODE TITLE XXIII--OCCUPANCY AND POSSESSION

14 CHAPTER 1. OCCUPANCY AND POSSESSION

15 §5600.10. Squatters; injunctive relief

16 A. For the purposes of this Section, a "squatter" is a person who

17 occupies, possesses, or trespasses on the immovable property of another without

1 legal authority, does not own, rent, or lease the property, and the owner did not
2 acquiesce to the occupancy or possession.

3 B. An injunction may be used by instituting an executory proceeding in
4 a court of competent jurisdiction to dispossess a squatter, trespasser, or person
5 who attempts to occupy or exercise corporeal possession of immovable property
6 adversely to the rights of the lawful possessor.

7 C. The suit for injunction brought pursuant to this Section, if granted,
8 shall immediately dispossess the squatter and enjoin him from occupying,
9 possessing, or trespassing on the immovable property.

10 §5600.11. Petition; authentic evidence

11 A. A person seeking to dispossess a squatter in an executory proceeding
12 shall file a petition, praying for removal of the squatter who attempts to occupy
13 or exercise corporeal possession of immovable property adversely to the rights
14 of the lawful possessor. The petition shall comply with Code of Civil Procedure
15 Article 891, and the plaintiff shall submit therewith the exhibits mentioned in
16 Code of Civil Procedure Article 2635.

17 B. In order for the plaintiff to prove his right to use executory process
18 to dispossess or remove a squatter, it is necessary only for the plaintiff to submit
19 with his petition an authentic act evidencing ownership or title to the immovable
20 property.

21 C. The following documentary evidence shall be deemed to be authentic
22 pursuant to this Section for purposes of executory process:

23 (1) A certified copy or a duplicate original of an authentic act.

24 (2) A certified copy of any judgment, judicial letters, or order of court.

25 (3) All other documentary evidence recognized by law as authentic
26 evidence.

27 §5600.12. Attorney fees

28 The court shall award costs and attorney fees to the prevailing party for
29 actions brought pursuant to this Chapter. The obligation to pay attorney's fees

Proposed law provides that whoever violates the provisions of proposed law shall be fined not less than \$100 and not more than \$500, or imprisonment for not more than 30 days, or both.

Effective August 1, 2024.

(Adds R.S. 9:5600.10-5600.13)