

2026 Regular Session

HOUSE RESOLUTION NO. 96

BY REPRESENTATIVE LYONS

CIVIL/PROCEDURE: Directs the Louisiana State Law Institute to study current practices regarding the recall of civil bench warrants and the notification process in judgment debtor proceedings

1 A RESOLUTION

2 To authorize and direct the Louisiana State Law Institute to study current practices regarding
3 the recall of civil bench warrants and the process of notifying judgment debtors and
4 to report its findings to the House of Representative no later than January 4, 2027.

5 WHEREAS, judgment debtors may have insufficient or defective service of process
6 resulting in a lack of actual notice regarding judgment debtor examination proceedings; and

7 WHEREAS, Code of Civil Procedure Article 2456 provides that "if the motion and
8 order have been served personally on the judgment debtor, as provided by law or if service
9 is obtained pursuant to Article 1261, and the judgment debtor refuses to appear for the
10 examination or to produce his books, papers, or other documents when ordered to do so, or
11 if he refuses to answer any question held pertinent by the court, the judgment debtor may be
12 punished for contempt"; and

13 WHEREAS, judges are authorized to issue civil bench warrants to compel a
14 judgment debtor to appear in court; and

15 WHEREAS, there are no uniform procedures governing the issuance and recalls of
16 civil bench warrants for a failure to appear at judgment debtor examinations; and

17 WHEREAS, the lack of clear distinction between civil and criminal bench warrants
18 has led to significant confusion and inconsistent enforcement across jurisdictions; and

19 WHEREAS, ensuring the dignity of judgment debtors requires the implementation
20 of uniform enforcement standards and civil bench warrant procedures.

1 THEREFORE, BE IT RESOLVED that the House of Representatives of the
2 Legislature of Louisiana does hereby authorize and direct the Louisiana State Law Institute
3 to study current practices regarding the recall of civil bench warrants and the process of
4 notifying judgment debtors and to report its findings to the House of Representatives no later
5 than January 4, 2027.

6 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
7 director of the Louisiana State Law Institute.

8 BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit
9 one printed copy and one electronic copy of any report produced pursuant to this Resolution
10 to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HR 96 Engrossed

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Lyons

Directs the La. State Law Institute to study the current processes of civil bench warrant recalls and notification processes relative to judgment debtors. Requires a report of its findings no later than Jan. 4, 2027.