

2015 Regular Session

HOUSE BILL NO. 114

BY REPRESENTATIVE BURFORD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL/ACTIONS: Authorizes the award of attorney fees relative to contempt of court

1 AN ACT

2 To amend and reenact R.S. 13:4611(1)(e)(introductory paragraph) and (iv) and to enact R.S.
3 13:4611(4), relative to contempt of court; to authorize an award of attorney fees
4 under certain circumstances; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 13:4611(1)(e)(introductory paragraph) and (iv) are hereby amended
7 and reenacted and R.S. 13:4611(4) is hereby enacted to read as follows:

8 §4611. Punishment for contempt of court

9 Except as otherwise provided for by law:

10 (1) The supreme court, the courts of appeal, the district courts, family courts,
11 juvenile courts and the city courts may punish a person adjudged guilty of a
12 contempt of court therein, as follows:

13 * * *

14 (e) In addition to or in lieu of the ~~above~~ penalties provided by this Paragraph,
15 when a parent has violated a visitation order, the court may order any or all of the
16 following:

17 * * *

18 (iv) Require the parent violating the order to pay all court costs ~~and~~
19 ~~reasonable attorney fees~~ of the other party.

20 * * *

1 (4) In addition to any other penalty authorized by this Section, if the court
 2 or justice of the peace grants a motion for contempt of court, the court or justice of
 3 the peace may award reasonable attorney fees to the party bringing the motion.

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)]

HB 114 Original

2015 Regular Session

Burford

Abstract: Authorizes the court to award reasonable attorney fees when granting a motion for contempt of court.

Present law provides that the supreme court, the courts of appeal, the district courts, family courts, juvenile courts, and the city courts may punish a person adjudged guilty of a contempt of court.

Present law provides specified monetary and imprisonment penalties for certain forms of contempt of court, including penalties for direct contempt of court committed by an attorney, for disobeying restraining orders and injunctions, for deliberate refusal to perform an act, and for disobeying an order for the payment of child or spousal support.

Present law provides that justices of the peace may punish a person adjudged guilty of a direct contempt of court by a fine of not more than \$50, imprisonment in the parish jail for not more than 24 hours, or both.

Present law authorizes the court or justice of the peace, when applicable, to suspend the imposition or the execution of the whole or any part of the sentence imposed and place the defendant on unsupervised probation or probation supervised by a probation office, agency, or officer designated by the court or justice of the peace, other than the division of probation and parole of the Dept. of Public Safety and Corrections.

Present law authorizes the court to award reasonable attorney fees only when a parent has violated a visitation order.

Proposed law authorizes the court in all cases of contempt of court to award reasonable attorney fees to the party bringing a motion for contempt of court.

(Amends R.S. 13:4611(1)(e)(intro. para.) and (iv); Adds R.S. 13:4611(4))