
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 834 Original

2016 Regular Session

Berthelot

Abstract: Provides relative to the temporary deferral of court costs by state and local governments and their agents, officers, and employees.

Present law provides that the state, local governments, and their officers and employees are not required to pay court costs. Provides that costs that are "temporarily deferred" pursuant to present law shall not be shifted to opposing parties during the pendency of the deferral.

Proposed law provides explicitly that such governments and their officers and employees may temporarily defer court costs rather than providing that they are not required to pay them. Also provides that agents of state and local government entities, in addition to officers and employees, may temporarily defer court costs. Specifies that the cost of filing a judgment dismissing claims is included in costs that may be temporarily deferred.

Present law requires governmental entities and their officers and employees to assist in collecting court costs due by opposing litigants by requesting the court to tax costs in accordance with present law. Proposed law further requires those governmental agents, officers, and employees specifically request that the court include the cost assessment in a judgment dismissing the claim against the governmental entity.

Proposed law imposes a duty on the governmental entity to pay costs assessed against it or its agents, officers, or employees within 30 days of the judgment becoming final except when the law otherwise imposes personal responsibility for costs on the agent, officer, or employee.

Proposed law further provides that if an opposing party condemned to pay temporarily deferred court costs fails to pay within 30 days, the clerk of court may forward a certified copy of the recorded judgment to the office of debt recovery. Authorizes the office of debt recovery to collect outstanding deferred court costs on behalf of the clerk of court.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 13:4521(A)(1) and (B); Adds R.S. 13:4521(D))