

2019 Regular Session

HOUSE BILL NO. 190

BY REPRESENTATIVE SEABAUGH

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

CIVIL/APPEALS: Provides relative to appeals from city and parish court judgments

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 5002, relative to appeals from city
3 and parish court judgments; to provide for delays for filing appeals; to provide for
4 procedures; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Article 5002 is hereby amended and reenacted
7 to read as follows:

8 Art. 5002. Delay for appeal

9 A. An appeal from a judgment rendered by a city court or a parish court ~~may~~
10 ~~be taken only within ten days from the date of the judgment or from the service of~~
11 ~~notice of judgment, when such notice is necessary~~ that does not suspend the effect
12 or execution of an appealable order or judgment may be taken only as provided by
13 Article 2087.

14 B. ~~When an application for new trial is timely filed, however, the delay for~~
15 ~~appeal commences on the day after the motion is denied, or from service of notice~~
16 ~~of the order denying a new trial, when such notice is necessary.~~ An appeal from a
17 judgment rendered by a city court or a parish court which suspends the effect or the
18 execution of an appealable order or judgment may be taken, and the security therefor
19 furnished, only within the delays provided by Article 2123.

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 190 Original

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Seabaugh

Abstract: Changes the general 10-day delay for filing appeals for city and parish court judgments to a 30-day delay for filing suspensive appeals and a 60-day delay for filing devolutive appeals.

Present law provides that an appeal from a judgment rendered by a city court or a parish court may be taken only within 10 days from the date of the judgment or from the service of notice of judgment, when such notice is necessary.

Present law provides that when an application for a new trial is timely filed, the delay for appeal commences on the day after the motion is denied, or from service of notice of the order denying a new trial, when such notice is necessary.

Proposed law changes the procedures and delays for filing an appeal from a city or parish court judgment to be concurrent with the procedures and delays for filing an appeal from a district court judgment.

Proposed law changes the general 10-day delay for filing appeals for city and parish court judgments to a 30-day delay for filing suspensive appeals and a 60-day delay for filing devolutive appeals.

(Amends C.C.P. Art. 5002)