
HOUSE COMMITTEE AMENDMENTS

2020 Regular Session

Amendments proposed by House Committee on Civil Law and Procedure to Original House Bill No. 593 by Representative Seabaugh

AMENDMENT NO. 1

On page 1, line 2, after "reenact" and before "securing" delete "R.S. 13:4291, relative to the legal mortgage" and insert "R.S. 13:4291(A) and (B), relative to judicial and legal mortgages"

AMENDMENT NO. 2

On page 1, line 3, after "period;" delete the remainder of the line and at the beginning of line 4 delete "judgment and affidavit filed in the mortgage records;" and insert "to provide for the effect of recordation; to provide for retroactivity; to provide an effective date;"

AMENDMENT NO. 3

On page 1, line 7, after "Section 1." and before "hereby" delete "R.S. 13:4291 is" and insert "R.S. 13:4291(A) and (B) are"

AMENDMENT NO. 4

On page 1, line 8, after "payments;" and before "mortgage" delete "legal" and insert "judicial"

AMENDMENT NO. 5

On page 1, at the beginning of line 10, change "A." to "A.(1)"

AMENDMENT NO. 6

On page 1, line 15, after "owed." delete the remainder of the line and delete lines 16 through 19 in their entirety and at the beginning of line 20, delete "by law."

AMENDMENT NO. 7

On page 2, at the end of line 2, insert the following:

"Notwithstanding any other law to the contrary, prescription shall not begin to run against any such judgment until the child reaches the age of majority or the obligation to provide child support ceases.

(2) A judgment rendered in a summary proceeding determining the amount of delinquent child support owed shall become a judicial mortgage when it is final and has been recorded in the manner provided by law. The effect of recordation of the judgment provided in this Subsection shall prescribe ten years from the date of the judgment, unless revived and reinscribed in accordance with law."

AMENDMENT NO. 8

On page 2, line 12, after "of DCFS." delete the remainder of the line and delete lines 13 through 17 in their entirety and insert the following:

"Such affidavit shall have the effect of a judgment ~~and when filed and recorded in the manner provided by law shall create a legal mortgage and privilege as provided in R.S. 46:236.16.~~ Notwithstanding any other law to the contrary, prescription shall

1 not begin to run against any such judgment until the child reaches the age of majority
2 or the obligation to provide child support ceases.

3 (2) When filed and recorded in the manner provided by law, the affidavit
4 showing delinquent child support shall create a lien, privilege, and legal mortgage
5 as provided in R.S. 46:236.16. The effect of recordation of the affidavit provided in
6 this Subsection shall prescribe ten years from the date of the affidavit, provided that
7 the filing of a subsequent affidavit pertaining to the same matter shall interrupt
8 prescription and shall maintain the ranking secured by the original filing.

9 (3) Notwithstanding Paragraph (2) of this Subsection, the effect of
10 recordation of any such affidavit that was of record on or before the effective date
11 of this Act shall not cease until August 31, 2022."

12 AMENDMENT NO. 9

13 On page 2, at the beginning of line 21, delete "(2)" and insert "(4)"

14 AMENDMENT NO. 10

15 On page 2, delete lines 23 through 28 in their entirety and on page 3, delete lines 1 through
16 8 in their entirety and insert the following:

17 ** * *

18 Section 2. This Act is declared to be interpretative, curative, and procedural and
19 therefore is to be applied retroactively as well as prospectively to judgments or affidavits
20 recorded in the manner provided by law.

21 Section 3. This Act shall become effective upon signature by the governor or, if not
22 signed by the governor, upon expiration of the time for bills to become law without signature
23 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
24 vetoed by the governor and subsequently approved by the legislature, this Act shall become
25 effective on the day following such approval."