

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 834

2016 Regular Session

Berthelot

JUDGMENTS: Authorizes temporary deferral of court costs by certain governmental parties and agents and provides for the collection of such deferred costs

Synopsis of Senate Amendments

1. Exempts the Dept. of Children & Family Services or a district attorney's office from paying court costs in child welfare proceedings instituted by DCFS or a district attorney.
2. Makes technical amendments.

Digest of Bill as Finally Passed by Senate

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 provides that when a final judgment is issued dismissing all claims against, and taxing costs to, the state, political subdivision, or agent, officer or employee, the opposing party shall pay the temporarily deferred court costs.

Proposed law exempts DCFS or a district attorney's office from paying court costs in child welfare proceedings instituted by the department or the district attorney.

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), (3), and (4) and (B); Adds R.S. 13:4521(D))