HLS 19RS-801 ENGROSSED

2019 Regular Session

HOUSE BILL NO. 512

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BY REPRESENTATIVES COX AND JACKSON

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

COURTS/COURT COSTS: Provides relative to the use of court costs and fees for services by constables and marshals

AN ACT

2	To amend and reenact R.S. 13:5807(A)(1) through (11), (16) through (19), (21) through
3	(24), (26), and (29) and (B), relative to costs and fees; to provide relative to city
4	marshal and constable services; to provide for the use of fees and costs; to require
5	certain funds to be deposited in the equipment and training fund; and to provide for
6	related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 13:5807(A)(1) through (11), (16) through (19), (21) through (24),
9	(26), and (29) and (B) are hereby amended and reenacted to read as follows:
10	§5807. Fees and costs
11	A. Constables and marshals, except in Orleans Parish and as provided by
12	R.S. 13:5807.1, 5807.3, 5807.4, and 5807.5, shall be entitled to the following fees
13	of office, and no more, in civil matters:
14	(1) For making service or attempted service and return of citation with or
15	without petition on each defendant, thirty dollars of which twelve dollars shall be
16	deposited in the equipment and training fund.
17	(2) For making service or attempted service and return of supplemental or
18	amended petition with or without accompanying citation, thirty dollars of which
19	twelve dollars shall be deposited in the equipment and training fund.

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(3) For making service or attempted service of interrogatories and notice of
2	cross interrogatories, thirty dollars of which twelve dollars shall be deposited in the
3	equipment and training fund.
4	(4) For making service or attempted service and return of garnishment under
5	writ of fieri facias, thirty dollars of which ninety cents shall be deposited in the
6	equipment and training fund.
7	(5) For making service or attempted service and return of writ of attachment
8	on each witness, thirty dollars of which twelve dollars and thirty cents shall be
9	deposited in the equipment and training fund.
10	(6) For executing writ of sequestration, provisional seizures, or distringas,
11	in each case, thirty dollars of which ten dollars and fifty cents shall be deposited in
12	the equipment and training fund. For service of each notice to defendant and return
13	thereon in connection with execution of any of the writs covered by this Paragraph,
14	thirty dollars of which twelve dollars shall be deposited in the equipment and
15	training fund.
16	(7) For taking bond authorized by law, thirteen dollars and fifty cents.
17	(8) For making service or attempted service and return of notice of judgment,
18	thirty dollars of which twelve dollars shall be deposited in the equipment and
19	training fund.
20	(9) For making service or attempted service and return of citation and
21	petition of appeal and order, thirty dollars of which twelve dollars shall be deposited
22	in the equipment and training fund.
23	(10) For return of fieri facias, thirty dollars of which twelve dollars shall be
24	deposited in the equipment and training fund.
25	(11) For making service or attempted service and return of citations requiring
26	personal service, thirty dollars, specifically rule nisi, subpoena, subpoena duces
27	tecum, judgment debtor. Eleven dollars and ten cents of the fee, collected pursuant
28	to this Paragraph, shall be deposited in the equipment and training fund.
29	* * *

(16) For service and making return of any rule, order of court, or notice on
any party to a suit or other proceeding, or after judgment rendered, where return of
service is made by the constable or marshal, including service or notice of release of
seizure, and other than those herein otherwise provided for, thirty dollars for each
service for each service, a fee of thirty dollars shall be collected, of which eleven
dollars and seventy cents shall be deposited in the equipment and training fund; for
service of a judgment debtor rule, a fee of thirty dollars of which eleven dollars and
ten cents shall be deposited in the equipment and training fund.
(17) For service of subpoena on each witness and making return thereof,
thirty dollars of which twelve dollars shall be deposited in the equipment and
training fund.
(18) For service of attachment on a witness or for service on any person for
contempt of court to be brought into court and for return thereon, thirty dollars of
which eleven dollars and ten cents shall be deposited in the equipment and training
<u>fund</u> .
(19) For service of citation and petition of appeal for each party on whom
service is directed to be made and for making return thereof, thirty dollars of which
twelve dollars shall be deposited in the equipment and training fund.
* * *
(21) For executing writ of arrest and making return thereon, thirty dollars of
which eleven dollars and ten cents shall be deposited in the equipment and training
<u>fund</u> .
(22) For serving writ of injunction, certiorari, mandamus, prohibition, or
notice of demand and making return thereon, in each case thirty dollars of which
twelve dollars shall be deposited in the equipment and training fund.
(23) For executing writ of habeas corpus and making return thereon, to be
charged in civil cases only, thirty dollars of which eleven dollars and ten cents shall
be deposited in the equipment and training fund.

1	(24) For serving notice of seizure and sale on one party and making a copy
2	for recordation in the mortgage records, when necessary or required, and for making
3	return for all, thirty dollars of which nine dollars and thirty cents shall be deposited
4	in the equipment and training fund. For service of each additional notice of seizure
5	and return, thirty dollars of which twelve dollars shall be deposited in the equipment
6	and training fund.
7	* * *
8	(26) For preparing advertisement for newspapers, for each one hundred
9	words or part thereof, thirty dollars of which eleven dollars and ten cents shall be
10	deposited in the equipment and training fund.
11	* * *
12	(29)(a) For executing writ of possession and writ of ejectment, thirty dollars
13	of which twelve dollars shall be deposited in the equipment and training fund.
14	(b)(i) For service of each notice to vacate on defendant or occupants, thirty
15	dollars of which twelve dollars shall be deposited in the equipment and training fund.
16	(ii) If the defendant or occupants do not vacate the premises named in the
17	writ upon service of notice to vacate and the marshal or constable is required to do
18	anything further to obtain possession, he shall be entitled to an additional fee of
19	thirty dollars of which eleven dollars and seventy cents shall be deposited in the
20	equipment and training fund.
21	(c) Nothing herein shall be construed to bar the marshals or constables from
22	charging and collecting for the cost of labor and other costs and expenses actually
23	paid or incurred by them in order to obtain possession of the premises described in
24	the writ.
25	* * *
26	B. Sixty percent of the funds collected pursuant to Paragraphs (A)(1) through
27	(12) and Paragraphs (A)(15) through (30) of this Section shall be used to assist in
28	funding the purchase or updating of necessary equipment and officer training to carry
29	out the efficient performance of all duties imposed by law on constables and

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marshals The money designated to be deposited in the equipment and training fund shall be used to assist in the purchasing or updating of necessary equipment and officer training to carry out the efficient performance of all duties imposed by law on constables and marshals. These funds shall be deposited into an The equipment and training fund which shall be subject to and included in the constables' and marshals' annual audit. A copy of the audit shall be filed with the legislative auditor who shall make it available to the public.

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 512 Engrossed

2019 Regular Session

Cox

Abstract: Designates a certain portion of fees collected by constables and marshals to be placed in an equipment and training fund.

<u>Present law</u> creates a fee schedule for all city marshals and constables except for those serving in Orleans Parish and the cities of Natchitoches, Minden, Springhill, Franklin, Winnfield, Slidell, Bogalusa, Ruston, and Houma for services provided by constables and marshals. Additionally, requires 60% of funds collected pursuant to <u>present law</u> to be used to assist in funding the purchase or updating of necessary equipment and officer training to carry out the efficient performance of all duties imposed by law on constables and marshals.

<u>Proposed law</u> retains <u>present law</u>, however, it no longer requires 60% of all collected funds to be deposited into a special account. <u>Proposed law</u> designates a specific amount of certain funds to be deposited in the <u>present law</u> equipment and training fund.

(Amends R.S. 13:5807(A)(1)-(11), (16)-(19), (21)-(24), (26), and (29) and (B))