
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 108 Original

2021 Regular Session

Larvadain

Abstract: Provides with respect to in forma pauperis proceedings.

Present law (C.C.P. Art. 5183) provides for the filing of an application to proceed in forma pauperis and permits the court to grant the application and allow the applicant to proceed without the payment of costs in advance.

Proposed law retains present law but requires the court to do one of three things upon the filing of an application to proceed in forma pauperis: (1) grant the application, (2) deny the application and provide written reasons for the denial, or (3) set the matter for a contradictory hearing.

Present law (C.C.P. Art. 5183) also sets forth a rebuttable presumption that the applicant is entitled to proceed in forma pauperis if the applicant is receiving public assistance benefits or if the applicant's income is less than or equal to 125% of the federal poverty level.

Proposed law retains present law and further requires a court that finds that this presumption has been rebutted to provide written reasons for its finding. Proposed law also makes minor technical corrections.

Present law (C.C.P. Art. 5185) sets forth the rights of a party who has been permitted to litigate without the payment of costs in advance until the order granting the application to proceed in forma pauperis is rescinded.

Proposed law retains present law but recognizes the possibility that the order granting the application to proceed in forma pauperis may expire in accordance with local court rules. Proposed law also gives the party proceeding in forma pauperis the right to have a judgment or order filed and to receive a certified copy of such judgment or order and makes minor technical corrections.

(Amends C.C.P. Arts. 5183(A)(intro. para.), (1), and (2) and (B) and 5185(A) and (B))