

2026 Regular Session

HOUSE BILL NO. 683

BY REPRESENTATIVE GALLE

CIVIL/PROCEDURE: Provides with respect to service of process

1 AN ACT

2 To amend and reenact Code of Civil Procedure Articles 1293(A) and (B) and 1355(B),
3 relative to service of process; to provide relative to service of process by a private
4 person; to provide relative to the procedure for appointing a private person for
5 service; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Articles 1293(A) and (B) and 1355(B) are hereby
8 amended and reenacted to read as follows:

9 Art. 1293. Service by private person

10 A. When the sheriff has not made service of an original petition or executory
11 pleading within ten days after receipt of the process or when a return has been made
12 certifying that the sheriff has been unable to make service, whichever is earlier, on
13 motion of a party, the court shall appoint a person over the age of majority, not a
14 party, and residing within the state whom the court deems qualified to perform the
15 duties required, to make service of process in the same manner as is required of
16 sheriffs. Service of process made in this manner shall be proved ~~like any other fact~~
17 ~~in the case~~ by filing return of service with the court. Any person who is a Louisiana
18 licensed private investigator shall be presumed qualified to perform the duties
19 required to make service.

1 B. In serving notice of a summary proceeding as provided by Article 2592
2 or a subpoena which is related to the proceeding, ~~on motion of a party the court shall~~
3 ~~have the discretion to appoint~~ any person over the age of majority, not a party, and
4 residing within the state, ~~to~~ may make service of process, notices, and subpoenas in
5 the same manner as is required of sheriffs; without first requiring the sheriff to
6 attempt service. ~~The party making such a motion shall include the reasons, verified~~
7 ~~by affidavit, necessary to forego service by the sheriff, which shall include but not~~
8 ~~be limited to the urgent emergency nature of the hearing, knowledge of the present~~
9 ~~whereabouts of the person to be served, as well as any other good cause shown.~~

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Art. 1355. Service of subpoena

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13 B. Except as otherwise provided by law, ~~when the sheriff has not made~~
14 ~~service of a subpoena within five days after its receipt or when a return has been~~
15 ~~made certifying that the sheriff has been unable to make service,~~ any person over the
16 age of majority, not a party, and residing within the state; may make service of the
17 subpoena in the same manner as is required by the sheriff. Proof of service by a
18 private person shall be made by filing with the clerk of the court by which the
19 subpoena is issued a ~~notarized~~ return showing the title of the action and the name of
20 the court issuing it, the date and manner of service, and the name of the person
21 served, signed by the person who made the service.

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 683 Original

2026 Regular Session

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Abstract: Provides relative to the procedure for service by a private person.

Present law (C.C.P. Art. 1293(A)) requires the court to appoint a private person to make service when the sheriff has not made service within ten days after receipt of process.

Proposed law retains present law and specifies the service is of an original petition or executory pleading.

Present law requires a private person to prove service of process like any other fact in the case.

Proposed law changes present law to require a private person to prove service by filing return of service with the court.

Present law (C.C.P. Art 1293(B)) provides that in serving a notice of summary proceeding, on motion of a party, the court has the discretion to appoint a private person to make service in the same manner as required by sheriffs without first requiring the sheriff to attempt service.

Proposed law changes present law and provides that in serving a notice of summary proceeding, any private person may make service of process in the same manner as required by sheriffs without first requiring the sheriff to attempt service.

Present law requires the party making a motion to appoint a private person to make service to include the reasons, verified by affidavit, necessary to forego service by the sheriff.

Proposed law repeals present law.

Present law (C.C.P. Art. 1355(B)) provides that when the sheriff has not made service of a subpoena within five days after its receipt or when a return has been made certifying that the sheriff has been unable to make service, any private person may make service.

Proposed law changes present law by simply providing any private person may make service.

Present law requires proof of service by a private person to be made by filing a notarized return.

Proposed law changes present law by removing the requirement that the return be notarized.

(Amends C.C.P. Arts. 1293(A) and (B) and 1355(B))