
DIGEST

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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 be 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))