

2026 Regular Session

HOUSE RESOLUTION NO. 96

BY REPRESENTATIVE LYONS

A RESOLUTION

To authorize and direct the Louisiana State Law Institute to study current practices regarding the recall of civil bench warrants and the process of notifying judgment debtors and to report its findings to the House of Representative no later than January 4, 2027.

WHEREAS, judgment debtors may have insufficient or defective service of process resulting in a lack of actual notice regarding judgment debtor examination proceedings; and

WHEREAS, Code of Civil Procedure Article 2456 provides that "if the motion and order have been served personally on the judgment debtor, as provided by law or if service is obtained pursuant to Article 1261, and the judgment debtor refuses to appear for the examination or to produce his books, papers, or other documents when ordered to do so, or if he refuses to answer any question held pertinent by the court, the judgment debtor may be punished for contempt"; and

WHEREAS, judges are authorized to issue civil bench warrants to compel a judgment debtor to appear in court; and

WHEREAS, there are no uniform procedures governing the issuance and recalls of civil bench warrants for a failure to appear at judgment debtor examinations; and

WHEREAS, the lack of clear distinction between civil and criminal bench warrants has led to significant confusion and inconsistent enforcement across jurisdictions; and

WHEREAS, ensuring the dignity of judgment debtors requires the implementation of uniform enforcement standards and civil bench warrant procedures.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby authorize and direct the Louisiana State Law Institute to study current practices regarding the recall of civil bench warrants and the process of notifying judgment debtors and to report its findings to the House of Representatives no later than January 4, 2027.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit one printed copy and one electronic copy of any report produced pursuant to this Resolution to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES