

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 476

2026 Regular Session

Pressly

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

CIVIL PROCEDURE. Provides for garnishments. (8/1/26)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Technical amendments

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

DIGEST

SB 476 Reengrossed

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Present law (C.C.P. Art. 2412) requires the sheriff to serve the garnishee with the citation and a copy of the petition and the interrogatories, together with a notice that a seizure is thereby effected against any property of or indebtedness to the judgment debtor.

Proposed law requires that the notice include the following statement in boldface type: "The failure to file into the court record within 30 days your sworn answer to these interrogatories may cause you to be personally responsible for the entire amount owed by the judgment debtor."

Present law requires that judgement be rendered against the garnishee unless he proves that he had no property of and was not indebted to the judgement debtor. Provides that if the garnishee proves the amount of property or indebtedness, the judgement against the garnishee is limited to the delivery of the property or payment of the indebtedness.

Proposed law provides that if judgement is rendered against the garnishee as a result of his failure to appear after proper service, then the garnishee has 30 days from service of the judgment to move for a new trial.

Proposed law provides that this motion for a new trial be granted only if it includes an affidavit affirming the facts that the garnishee has never had any property of and was never indebted to the judgment debtor during the pendency of the garnishment proceeding, or that he has satisfied the judgment to the full extent of the amount of the property or indebtedness actually in his possession at any time after the garnishment proceeding is commenced by service of the petition upon him.

Present law provides that regardless of the decision on the contradictory motion, the court is to render judgment against the garnishee for the costs and a reasonable attorney fee for the motion. Proposed law provides that this judgement include an award against the garnishee for the additional costs and a reasonable attorney fee actually incurred by the judgment creditor due to the fault of the garnishee in failing to initially respond.

Effective August 1, 2026.

(Amends C.C.P. Arts. 2412(A) and 2413(B) and (C))

Thomas L. Tyler
Senate Counsel