2017 Regular Session

HOUSE BILL NO. 73

BY REPRESENTATIVE MACK

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COURTS/CITY: Authorizes an increase in fees by the Hammond city marshal and provides for the use of fees

1	AN ACT
2	To amend and reenact R.S. 13:5807.2, relative to the collection and use of fees by the
3	marshal of the city of Hammond; to provide for a maximum fee in certain civil
4	matters; to provide for an increase in the maximum use of fees for operational
5	expenses of the office; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 13:5807.2 is hereby amended and reenacted to read as follows:
8	§5807.2. Fees and costs; Hammond city marshal
9	A. Notwithstanding the provisions of R.S. 13:5807, the marshal of the city
10	of Hammond shall be entitled to the following fees of office and no more in <u>a fee of</u>
11	up to fifteen dollars in the following civil matters:
12	(1) For making service and return of citation with or without petition on each
13	defendant , nine dollars .
14	(2) For making service and return of supplemental or amended petition with
15	or without accompanying citation, nine dollars.
16	(3) For making service and return of interrogatories and notice of cross
17	interrogatories , nine dollars .
18	(4) For making service and return of garnishment under writ of fieri facias ,
19	twelve dollars.

Page 1 of 4

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(5) For making service and return of writ of attachment on each witness , ten
2	dollars .
3	(6) For making service and return of writ of sequestration, ten dollars.
4	(7) For taking bond authorized by law , ten dollars .
5	(8) For making service and return of notice of judgment , nine dollars .
6	(9) For making service and return of citation and petition for appeal and
7	order , nine dollars .
8	(10) For return on writ of fieri facias , ten dollars .
9	(11) For making service and return of citations requiring personal service,
10	ten dollars including a rule nisi, subpoena, subpoena duces tecum, and judgment
11	debtor.
12	(12) For keeping property under seizure by any writ or process, fees to be
13	fixed by the court after service of notice to the parties or their attorneys of record in
14	the suit.
15	(13) For collecting money pursuant to an execution of an order of seizure
16	and sale or a writ, without either seizure or sale, six percent, with a minimum of ten
17	dollars for each execution or order of seizure and sale.
18	(14) For serving each order <u>all other orders</u> of court not otherwise herein
19	specially provided for, nine dollars specified in this Section.
20	(15) For each mile or fraction thereof actually and necessarily traveled in
21	going to and returning from the service of any process of court, the marshal of the
22	city of Hammond shall be reimbursed at a rate equal to that rate established for state
23	employees by the division of administration.
24	B. The marshal of the city of Hammond shall be entitled to the following
25	additional fees in civil matters:
26	(1) For keeping property under seizure by any writ or process, fees shall be
27	fixed by the court after service of notice to the parties or their attorneys of record in
28	the suit.

1	(2) For collecting money pursuant to an execution of an order of seizure and
2	sale or a writ, without either seizure or sale, six percent, with a minimum of ten
3	dollars for each execution or order of seizure and sale.
4	(3)(a) For each mile or fraction thereof actually and necessarily traveled in
5	going to and returning from the service of any process of court, the marshal of the
6	city of Hammond shall be reimbursed at a rate equal to that rate established for state
7	employees by the division of administration.
8	(b) No constructive mileage shall be allowed. When different processes in
9	the same case or processes of court in different cases are served on the same official
10	tour of the marshal, the actual mileage traveled shall be prorated.
11	C. Notwithstanding any provision of law to the contrary, but in accordance
12	therewith, the marshal of the city of Hammond shall be entitled to a minimum fee
13	of office of ten dollars for each service described in Subsection A of this Section.
14	The marshal is entitled to use up to fifteen thousand five hundred fifty thousand
15	dollars annually of the fees of office to defray operational expenses of the office and
16	as may be useful and necessary for the proper conduct of the office of the marshal.

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)]

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Abstract: Changes the fee for service of certain civil pleadings to a maximum of \$15, and increases the funds available for the operational expenses of office of the marshal of the city of Hammond to \$50,000.

<u>Present law</u> provides a listing of certain fees that the marshal of the city of Hammond shall be entitled to in civil matters.

<u>Present law</u> provides that the marshal of the city of Hammond shall be entitled to a minimum fee of office of ten dollars for each service of certain civil pleadings.

<u>Present law</u> provides that the marshal is entitled to use up to \$15,500 annually of the fees of office to defray operational expenses and as may be useful and necessary for the proper conduct of the office of the marshal.

Proposed law changes the minimum fee of ten dollars to a maximum fee of \$15.

<u>Proposed law</u> increases the available fees for use for operational expenses from \$15,500 to \$50,000.

(Amends R.S. 13:5807.2)