
DIGEST

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HB 99 Engrossed

2017 Regular Session

Carpenter

Abstract: Provides for an increase in the percentage of fees in certain civil matters to be paid to constables and marshals.

Present law provides for fees in civil matters to be paid to constables and marshals as compensation.

Proposed law retains present law but increases the percentage of fees as follows:

- (1) For collecting money for execution of order of seizure and sale, from 6% to 10%, with a minimum of \$12.50 on each execution of order of seizure and sale.
- (2) For collecting money for execution of a writ, without either seizure or sale, from 6% to 10%, with a minimum of \$12.50 on each execution or order of writ.

Present law provides for fees in civil matters to be paid to the Hammond city marshal. Proposed law retains present law but increases the percentage of fees for collecting money for execution of order of seizure and sale or writ, without either seizure or sale, from 6% to 10%, with a minimum of \$10 on each execution of order of seizure or sale.

Proposed law provides that 40% of the funds generated by the fee increase provided in proposed law must be deposited in an equipment fund used for the sole purposes of purchasing or updating equipment to carry out the efficient performance of all duties imposed by law on constables and marshals.

Proposed law provides that the equipment fund is subject to and must be included in the constables' and marshals' annual audit and a copy of that audit filed with the legislative auditor's office who shall make the audit available to the public.

Proposed law provides for the increase in fees to become effective if and when the Judicial Council reviews such request and makes a recommendation to the legislature in its 2018 report that the fees meet the applicable guidelines.

(Amends R.S. 13:5807(A)(13) and (14) and 5807.2(A)(13))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Increase the percentage of fees for the Hammond city marshal for collecting money for execution of order of seizure and sale or writ, without either seizure or sale, from 6% to 10%.
2. Add that 40% of the funds generated by the fee increase must be deposited in an equipment fund used to purchase or update equipment to carry out the efficient performance of all duties of constables and marshals.
3. Require the equipment fund be included in the constables' and marshals' annual audit and a copy of the audit to be filed with the legislative auditor's office.
4. Add an effective date for the increase in fees to become effective if and when the Judicial Council reviews the request and makes its recommendation to the legislature in its 2018 report.