

2019 Regular Session

HOUSE BILL NO. 512

BY REPRESENTATIVES COX AND JACKSON

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

COURTS/COURT COSTS: Provides relative to the use of court costs and fees for services by constables and marshals

1 AN ACT

2 To amend and reenact R.S. 13:5807(A)(1) through (11), (16) through (19), (21) through
3 (24), (26), and (29), relative to costs and fees; to provide relative to city marshal and
4 constable services; to provide for the use of fees and costs; to require certain funds
5 to be deposited in the equipment and training fund; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:5807(A)(1) through (11), (16) through (19), (21) through (24),
9 (26), and (29) are hereby amended and reenacted to read as follows:

10 §5807. Fees and costs

11 A. Constables and marshals, except in Orleans Parish and as provided by
12 R.S. 13:5807.1, 5807.3, 5807.4, and 5807.5, shall be entitled to the following fees
13 of office, and no more, in civil matters:

14 (1) For making service or attempted service and return of citation with or
15 without petition on each defendant, thirty dollars of which twelve dollars shall be
16 deposited in the equipment and training fund.

17 (2) For making service or attempted service and return of supplemental or
18 amended petition with or without accompanying citation, thirty dollars of which
19 twelve dollars shall be deposited in the equipment and training fund.

1 (3) For making service or attempted service of interrogatories and notice of
2 cross interrogatories, thirty dollars of which twelve dollars shall be deposited in the
3 equipment and training fund.

4 (4) For making service or attempted service and return of garnishment under
5 writ of fieri facias, thirty dollars of which ninety cents shall be deposited in the
6 equipment and training fund.

7 (5) For making service or attempted service and return of writ of attachment
8 on each witness, thirty dollars of which twelve dollars and thirty cents shall be
9 deposited in the equipment and training fund.

10 (6) For executing writ of sequestration, provisional seizures, or distringas,
11 in each case, thirty dollars of which ten dollars and fifty cents shall be deposited in
12 the equipment and training fund. For service of each notice to defendant and return
13 thereon in connection with execution of any of the writs covered by this Paragraph,
14 thirty dollars of which twelve dollars shall be deposited in the equipment and
15 training fund.

16 (7) For taking bond authorized by law, thirteen dollars and fifty cents.

17 (8) For making service or attempted service and return of notice of judgment,
18 thirty dollars of which twelve dollars shall be deposited in the equipment and
19 training fund.

20 (9) For making service or attempted service and return of citation and
21 petition of appeal and order, thirty dollars of which twelve dollars shall be deposited
22 in the equipment and training fund.

23 (10) For return of fieri facias, thirty dollars of which twelve dollars shall be
24 deposited in the equipment and training fund.

25 (11) For making service or attempted service and return of citations requiring
26 personal service, thirty dollars, specifically rule nisi, subpoena, subpoena duces
27 tecum, judgment debtor. Eleven dollars and ten cents of the fee, collected pursuant
28 to this Paragraph, shall be deposited in the equipment and training fund.

29 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 ~~marshals~~ The money designated to be deposited in the equipment and training fund
 2 shall be used to assist in the purchasing or updating of necessary equipment and
 3 officer training to carry out the efficient performance of all duties imposed by law
 4 on constables and marshals. ~~These funds shall be deposited into an~~ The equipment
 5 and training fund ~~which~~ shall be subject to and included in the constables' and
 6 marshals' annual audit. A copy of the audit shall be filed with the legislative auditor
 7 who shall make it available to the public.

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)]

HB 512 Original

2019 Regular Session

Cox

Abstract: Designates a certain portion of fees collected by constables and marshals to be placed in an equipment and training fund.

Present law creates a fee schedule for all city marshals and constables except for those serving in Orleans Parish and the cities of Natchitoches, Minden, Springhill, Franklin, Winnfield, Slidell, Bogalusa, Ruston, and Houma for services provided by constables and marshals. Additionally, requires 60% of funds collected pursuant to present law to be used to assist in funding the purchase or updating of necessary equipment and officer training to carry out the efficient performance of all duties imposed by law on constables and marshals.

Proposed law retains present law, however, it no longer requires 60% of all collected funds to be deposited into a special account. Proposed law designates a specific amount of certain funds to be deposited in the present law equipment and training fund.

(Amends R.S. 13:5807(A)(1) through (11), (16) through (19), (21) through (24), (26), and (29))