

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) and (B), relative to costs and fees; to provide relative to city
4 marshal and constable services; to provide for the use of fees and costs; to require
5 certain funds to be deposited in the equipment and training fund; and to provide for
6 related 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) and (B) 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, a minimum of ten dollars and a maximum of
16 thirty dollars.

17 (2) For making service or attempted service and return of supplemental or
18 amended petition with or without accompanying citation, a minimum of ten dollars
19 and a maximum of thirty dollars.

1 (3) For making service or attempted service of interrogatories and notice of
2 cross interrogatories, a minimum of ten dollars and a maximum of thirty dollars.

3 (4) For making service or attempted service and return of garnishment under
4 writ of fieri facias, a minimum of twenty-eight dollars and fifty cents and a
5 maximum of thirty dollars.

6 (5) For making service or attempted service and return of writ of attachment
7 on each witness, a minimum of nine dollars and fifty cents and a maximum of thirty
8 dollars.

9 (6) For executing writ of sequestration, provisional seizures, or distringas, in
10 each case, a minimum of twelve dollars and fifty cents and a maximum of thirty
11 dollars. For service of each notice to defendant and return thereon in connection
12 with execution of any of the writs covered by this Paragraph, a minimum of ten
13 dollars and a maximum of thirty dollars.

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

15 (8) For making service or attempted service and return of notice of judgment,
16 a minimum of ten dollars and a maximum of thirty dollars.

17 (9) For making service or attempted service and return of citation and petition
18 of appeal and order, a minimum of ten dollars and a maximum of thirty dollars.

19 (10) For return of fieri facias, a minimum of ten dollars and a maximum of
20 thirty dollars.

21 (11) For making service or attempted service and return of citations requiring
22 personal service, a minimum of eleven dollars and fifty cents and a maximum of
23 thirty dollars, specifically rule nisi, subpoena, subpoena duces tecum, judgment
24 debtor.

25 * * *

26 (16) For service and making return of any rule, order of court, or notice on
27 any party to a suit or other proceeding, or after judgment rendered, where return of
28 service is made by the constable or marshal, including service or notice of release of
29 seizure, and other than those herein otherwise provided for, a minimum of ten dollars

1 (26) For preparing advertisement for newspapers, for each one hundred
2 words or part thereof, a minimum of eleven dollars and fifty cents and a maximum
3 of thirty dollars.

4 * * *

5 (29)(a) For executing writ of possession and writ of ejectment, a minimum
6 of ten dollars and a maximum of thirty dollars.

7 (b)(i) For service of each notice to vacate on defendant or occupants, a
8 minimum of ten dollars and a maximum of thirty dollars.

9 (ii) If the defendant or occupants do not vacate the premises named in the
10 writ upon service of notice to vacate and the marshal or constable is required to do
11 anything further to obtain possession, he shall be entitled to an additional fee of a
12 minimum of ten dollars and fifty cents and a maximum of thirty dollars.

13 (c) Nothing herein shall be construed to bar the marshals or constables from
14 charging and collecting for cost of labor and other costs and expenses actually paid
15 or incurred by them in order to obtain possession of the premises described in the
16 writ.

17 * * *

18 B. Sixty percent of any the funds collected in excess of the minimum fees
19 authorized by pursuant to Paragraphs (A)(1) through (12)(11) and Paragraphs
20 (A)(15) (16) through (30) (29) shall be deposited in the equipment and training fund
21 of this Section. shall be used to assist in funding the purchase or updating of
22 necessary equipment and officer training to carry out the efficient performance of all
23 duties imposed by law on constables and marshals. These funds shall be deposited
24 into an The money designated to be deposited in the equipment and training fund
25 shall be used to assist in the purchasing or updating of necessary equipment and
26 officer training to carry out the efficient performance of all duties imposed by law
27 on constables and marshals. The equipment and training fund which shall be subject
28 to and included in the constables' and marshals' annual audit. A copy of the audit
29 shall be filed with the legislative auditor 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 Reengrossed

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 amends present law to provide a minimum amount for certain fees collected by the city marshals and constables.

Proposed law no longer requires 60% of all collected funds to be deposited into a special account, but instead provides that 60% of any funds collected in excess of the minimum fees set forth in present law shall be deposited in the equipment and training fund and provides that such funds be used for specified purposes.

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

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Add a minimum amount for certain fees collected, and require 60% of any funds collected in excess of the minimum to be deposited in the equipment and training fund.
2. Require funds that are deposited in the equipment and training fund to be used for purchasing and updating necessary equipment and officer training.