SLS 24RS-525 ORIGINAL

2024 Regular Session

SENATE BILL NO. 308

BY SENATOR CLOUD

CIVIL PROCEDURE. Provides for occupancy and possession of immovable property. (8/1/24)

1	AN ACT
2	To enact Chapter 1 of Code Title XXIII of Code Book III of Title 9 of the Louisiana Revised
3	Statutes of 1950, to be comprised of R.S. 9:5600.10 through 5600.13, relative to
4	occupancy and possession of immovable property; to provide relative to squatters;
5	to provide relative to executory process and injunctive relief to dispossess a squatter;
6	to provide relative to terms, conditions, requirements, and procedures; to provide for
7	definitions; to provide relative to attorney fees; to provide relative to criminal
8	penalties; and to provide for related matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. Chapter 1 of Code Title XXIII of Code Book III of Title 9 of the Louisiana
11	Revised Statutes of 1950, compromised of R.S. 9:5600.10 through 5600.13, is hereby
12	enacted to read as follows:
13	CODE TITLE XXIIIOCCUPANCY AND POSSESSION
14	CHAPTER 1. OCCUPANCY AND POSSESSION
15	§5600.10. Squatters; injunctive relief
16	A. For the purposes of this Section, a "squatter" is a person who
17	occupies, possesses, or trespasses on the immovable property of another without

1	legal authority, does not own, rent, or lease the property, and the owner did not
2	acquiesce to the occupancy or possession.
3	B. An injunction may be used by instituting an executory proceeding in
4	a court of competent jurisdiction to dispossess a squatter, trespasser, or person
5	who attempts to occupy or exercise corporeal possession of immovable property
6	adversely to the rights of the lawful possessor.
7	C. The suit for injunction brought pursuant to this Section, if granted,
8	shall immediately dispossess the squatter and enjoin him from occupying,
9	possessing, or trespassing on the immovable property.
10	§5600.11. Petition; authentic evidence
11	A. A person seeking to dispossess a squatter in an executory proceeding
12	shall file a petition, praying for removal of the squatter who attempts to occupy
13	or exercise corporeal possession of immovable property adversely to the rights
14	of the lawful possessor. The petition shall comply with Code of Civil Procedure
15	Article 891, and the plaintiff shall submit therewith the exhibits mentioned in
16	Code of Civil Procedure Article 2635.
17	B. In order for the plaintiff to prove his right to use executory process
18	to dispossess or remove a squatter, it is necessary only for the plaintiff to submit
19	with his petition an authentic act evidencing ownership or title to the immovable
20	property.
21	C. The following documentary evidence shall be deemed to be authentic
22	pursuant to this Section for purposes of executory process:
23	(1) A certified copy or a duplicate original of an authentic act.
24	(2) A certified copy of any judgment, judicial letters, or order of court.
25	(3) All other documentary evidence recognized by law as authentic
26	evidence.
27	§5600.12. Attorney fees
28	The court shall award costs and attorney fees to the prevailing party for
29	actions brought pursuant to this Chapter. The obligation to pay attorney's fees

1	shall not preclude the use of executory process.
2	§5600.13. Criminal penalties
3	Whoever violates any provisions of this Chapter shall be fined not less
4	than one hundred dollars and not more than five hundred dollars, or
5	imprisonment for not more than thirty days, or both.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Hanna Gettys.

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Cloud

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<u>Proposed law</u> provides that for the purpose of <u>proposed law</u>, a "squatter" is a person who occupies, possesses, or trespasses on the immovable property of another without legal authority, does not own, rent, or lease the property, and the owner did not acquiesce to the occupancy or possession.

<u>Proposed law</u> provides that an injunction may be used by instituting an executory proceeding in a court of competent jurisdiction to dispossess a squatter, trespasser, or person who attempts to occupy or exercise corporeal possession of immovable property adversely to the rights of the lawful possessor.

<u>Proposed law</u> provides that the suit for injunction brought pursuant to <u>proposed law</u>, if granted, shall immediately dispossess the squatter and enjoin him from occupying, possessing, or trespassing on the immovable property.

<u>Proposed law</u> provides that a person seeking to dispossess a squatter in an executory proceeding shall file a petition, praying for removal of the squatter who attempts to occupy or exercise corporeal possession of immovable property adversely to the rights of the lawful possessor. <u>Proposed law</u> provides that the petition shall comply with <u>present law</u> (C.C.P. Art. 891), and the plaintiff shall submit therewith the exhibits mentioned in <u>present law</u> (C.C.P. Art. 2635).

<u>Proposed law</u> provides that in order for the plaintiff to prove his right to use executory process to dispossess or remove a squatter, it is necessary only for the plaintiff to submit with his petition an authentic act evidencing ownership or title to the immovable property.

<u>Proposed law</u> provides that the following documentary evidence shall be deemed to be authentic pursuant to proposed law for purposes of executory process:

- (1) A certified copy or a duplicate original of an authentic act.
- (2) A certified copy of any judgment, judicial letters, or order of court.
- (3) All other documentary evidence recognized by law as authentic evidence.

<u>Proposed law</u> provides that the court shall award costs and attorney fees to the prevailing party for actions brought pursuant to <u>proposed law</u>. <u>Proposed law</u> provides that the obligation to pay attorney's fees shall not preclude the use of executory process.

<u>Proposed law</u> provides that whoever violates the provisions of <u>proposed law</u> shall be fined not less than \$100 and not more than \$500, or imprisonment for not more than 30 days, or both.

Effective August 1, 2024.

(Adds R.S. 9:5600.10-5600.13)