

SENATE BILL NO. 173

BY SENATOR MORRIS

1 AN ACT

2 To amend and reenact Code of Civil Procedure Art. 2415(B) and to enact Code of Civil
3 Procedure Art. 2415(C) and (D), relative to garnishments; to provide for delivery of
4 property or payment of indebtedness to sheriff; to provide relative to financial
5 institutions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Art. 2415(B) is hereby amended and reenacted
8 and Code of Civil Procedure Art. 2415(C) and (D) are hereby enacted to read as follows:

9 Art. 2415. Delivery of property or payment of indebtedness to sheriff

10 * * *

11 **B. Notwithstanding the requirements provided in Paragraph A of this**
12 **Article, if the garnishee is a federally insured financial institution and admits**
13 **in its answer that it has in its possession funds on deposit belonging to the**
14 **judgment debtor, and the garnishee has received no notice of opposition to the**
15 **garnishment, then, if the funds on deposit are one thousand dollars or less, the**
16 **garnishee may, without further court order, deliver the funds immediately to**
17 **the sheriff. Delivery or payment to the sheriff discharges the garnishee's**
18 **obligation to the judgment debtor to the extent of the delivery or payment to the**
19 **sheriff.**

20 **C. Notwithstanding the requirements provided in Paragraph A of this**
21 **Article, if the garnishee is a federally insured financial institution and admits**
22 **in its answer that it has in its possession funds on deposit belonging to the**
23 **judgment debtor, and the garnishee has received no notice of opposition to the**
24 **garnishment, and if the funds on deposit are greater than one thousand dollars,**
25 **then the garnishee may, upon waiting a period of thirty days after the filing of**
26 **its garnishment answer, and without further court order, deliver the funds on**
27 **deposit to the sheriff. Delivery or payment to the sheriff discharges the**

1 **garnishee's obligation to the judgment debtor to the extent of the delivery or**
2 **payment to the sheriff.**

3 **D.** This Article does not apply to garnishment of wages, salaries, tips reported
4 to the employer, or commissions.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____