

Regular Session, 2010

HOUSE BILL NO. 1218

BY REPRESENTATIVE GREENE

CLERKS OF COURT: Requires the clerks of court to remit unused funds or to demand payment for costs in civil matters within a certain period of time

1 AN ACT

2 To amend and reenact R.S. 13:843.1, 1405, 2561.12, 2562.12, and 2563.11 and to enact R.S.
3 13:1223, 1608, 1885(G), and 2154.3, relative to courts exercising civil jurisdiction;
4 to provide for obligations regarding court costs applicable to each clerk of a district
5 court, civil district court, parish court, city court, family court, and juvenile court; to
6 provide for a period of time in which these obligations shall be met; and to provide
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 13:843.1, 1405, 2561.12, 2562.12, and 2563.11 are hereby amended
10 and reenacted and R.S. 13:1223, 1608, 1885(G), and 2154.3 are hereby enacted to read as
11 follows:

12 §843.1. Court costs; refund; statement of costs owing

13 Not later than ~~ninety~~ thirty days after receipt of written verification of final
14 termination of a civil suit, the clerk of each district court shall comply with either of
15 the following:

16 (1) Refund to the plaintiff or plaintiffs any unused balance remaining in the
17 clerk's advance deposit fund to the credit of the particular suit.

18 (2) Issue to the party primarily liable a demand for payment of any accrued
19 costs in excess of the advance deposit supported by an itemized account of these
20 accrued costs.

21 * * *

1 (2) Issue to the party primarily liable a demand for payment of any accrued
2 costs in excess of the advance deposit supported by an itemized account of these
3 accrued costs.

4 * * *

5 §1885. General powers and duties of clerk; court costs; refund

6 * * *

7 G. Not later than thirty days after receipt of written verification of final
8 termination of a civil suit, the clerk of court for the city court shall comply with
9 either of the following:

10 (1) Refund to the plaintiff or plaintiffs any unused balance remaining in the
11 clerk's advance deposit fund to the credit of the particular suit.

12 (2) Issue to the party primarily liable a demand for payment of any accrued
13 costs in excess of the advance deposit supported by an itemized account of these
14 accrued costs.

15 * * *

16 §2154.3. Court costs; refund; statement of costs owing

17 Not later than thirty days after receipt of written verification of final
18 termination of a civil suit, the clerk of court for the First City Court for the city of
19 New Orleans and the clerk of court for the Second City Court for the city of New
20 Orleans shall comply with either of the following:

21 (1) Refund to the plaintiff or plaintiffs any unused balance remaining in the
22 clerk's advance deposit fund to the credit of the particular suit.

23 (2) Issue to the party primarily liable a demand for payment of any accrued
24 costs in excess of the advance deposit supported by an itemized account of these
25 accrued costs.

26 * * *

27 §2561.12. Clerk; seal; court costs; refund; statement of costs owing

28 A. The clerk of court for the parish of Jefferson shall be ex-officio clerk of
29 court for this court. He, or any deputy appointed by him, may be assigned to act as

1 minute clerk, and shall perform such other clerical duties as the judge shall direct.
 2 He shall be entitled to charge the fees as set forth in Section 1986 of Title 13,
 3 Louisiana Revised Statutes of 1950. He shall provide the court with a seal, which
 4 shall contain a vignette of the state seal, with the words, "Seal of the First Parish
 5 Court for the Parish of Jefferson", which shall be used on all orders, writs and
 6 processes issuing from the court. However, the absence of the seal shall not affect
 7 the validity of such documents.

8 B. Not later than thirty days after receipt of written verification of final
 9 termination of a civil suit, the clerk of court for the parish of Jefferson shall comply
 10 with either of the following:

11 (1) Refund to the plaintiff or plaintiffs any unused balance remaining in the
 12 clerk's advance deposit fund to the credit of the particular suit.

13 (2) Issue to the party primarily liable a demand for payment of any accrued
 14 costs in excess of the advance deposit supported by an itemized account of these
 15 accrued costs.

16 * * *

17 §2562.12. Clerk; seal; court costs; refund; statement of costs owing

18 A. The clerk of court for the Parish of Jefferson shall be ex-officio clerk of
 19 court for this court. He, or any deputy appointed by him, may be assigned to act as
 20 minute clerk, and shall perform such other clerical duties as the judge shall direct.
 21 The clerk of court shall be entitled to fix his fees, but in no event shall those fees
 22 exceed the fees chargeable in the ~~24th~~ Twenty-Fourth Judicial District Court. He
 23 shall provide the court with a seal, which shall contain a vignette of the state seal,
 24 with the words, "Seal of the Second Parish Court for the Parish of Jefferson", which
 25 shall be used on all orders, writs and processes issuing from the court. However, the
 26 absence of the seal shall not affect the validity of such documents.

27 B. Not later than thirty days after receipt of written verification of final
 28 termination of a civil suit, the clerk of court for the parish of Jefferson shall comply
 29 with either of the following:

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)]

Greene

HB No. 1218

Abstract: Requires each clerk of a district court, civil district court, parish court, city court, family court, and juvenile court to refund unused money or demand payment for costs within 30 days upon final termination of a civil suit.

Present law requires the clerk of each district court, no later than 90 days after receipt of written verification of final termination of a civil suit, to comply with either of the following:

- (1) Refund to the plaintiff or plaintiffs any unused balance remaining in the clerk's advance deposit fund to the credit of the particular suit.
- (2) Issue to the party primarily liable a demand for payment of any accrued costs in excess of the advance deposit supported by an itemized account of these accrued costs.

Proposed law makes present law provisions applicable to the clerk of a district court, civil district court, parish court, city court, family court, and juvenile court and requires the clerks comply with these provisions within 30 days.

Provides that proposed law provision applicable to the clerk of the Civil District Court for the parish of Orleans shall be null and void on Jan. 1, 2015.

(Amends R.S. 13:843.1, 1405, 2561.12, 2562.12, and 2563.11; Adds R.S. 13:1223, 1608, 1885(G), and 2154.3)