

Regular Session, 2010

HOUSE BILL NO. 833

BY REPRESENTATIVE KLECKLEY

1 AN ACT

2 To amend and reenact R.S. 13:3883, relative to requiring security for costs; to authorize a
3 marshal to demand security in certain circumstances; and to provide for related
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 13:3883 is hereby amended and reenacted to read as follows:

7 §3883. Sheriff entitled to security; refusal to act in absence of security or
8 advancement

9 A. The sheriff in the performance of official services pursuant to the
10 provisions of this ~~chapter~~ Chapter may demand security for his costs and actual
11 expenses, in ~~such~~ an amount as may be fixed by the court, or he may demand a
12 deposit to cover his costs, but in all cases any party requiring the official services to
13 be performed by the sheriff may advance the fees for ~~such~~ the services. The order
14 requiring ~~such~~ the security for costs shall issue ex parte on the application of the
15 sheriff and the sheriff shall not be required to perform the services until ~~such~~ the
16 security has been furnished. The court shall fix the delay within which ~~such~~ the
17 security for costs shall be furnished, and the failure to furnish it, within ~~such~~ the
18 delay, shall operate to relieve the sheriff of any liability for any damage that may
19 result to the party from the failure to perform the services. If the party interested in
20 having the official services performed contests the amount of the security as fixed
21 by the order, that party may rule the sheriff into court to show cause why the amount
22 of the security should not be reduced. On the trial of this rule, the court shall fix the
23 amount of security, and if reduced, the party bringing the rule shall be entitled to a
24 refund where the previous amount of security has been furnished. If no security has

1 been furnished, the amount shall be due forthwith and the sheriff shall not be
2 required to perform the services until ~~such~~ the security has been furnished.

3 B. Wherever the word "sheriff" appears in this Section, it shall be construed
4 to also mean "marshal".

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____