SLS 24RS-260 ORIGINAL

2024 Regular Session

SENATE BILL NO. 19

1

BY SENATOR SEABAUGH

CIVIL PROCEDURE. Provides for jury bonds in civil actions. (8/1/24)

| 2 | To amend and reenact Code of Civil Procedure Art. 1733, relative to civil actions; to provide |
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| 3 | relative to jury cash deposit; to provide with respect to providing a jury cash deposit; |
| 4 | and to provide for related matters. |
| 5 | Be it enacted by the Legislature of Louisiana: |
| 6 | Section 1. Code of Civil Procedure Art. 1733 is hereby amended and reenacted to |
| 7 | read as follows: |
| 8 | Art. 1733. Demand for jury trial; bond for costs |
| 9 | A.(1) Except as provided in Subparagraph (2) of this Paragraph, a A party |
| 10 | may obtain a trial by jury by filing a pleading demanding a trial by jury and a bond |
| 11 | in the amount and within the time set by the court pursuant to Article 1734. |
| 12 | (2)(a) In a suit for damages arising from a delictual or quasi-delictual action |
| 13 | where an individual petitioner stipulates or otherwise judicially admits that his cause |
| 14 | of action exceeds ten thousand dollars and is less than fifty thousand dollars, a party |
| 15 | may obtain a trial by jury by filing a pleading demanding a trial by jury and |
| 16 | providing a cash deposit of five thousand dollars no later than sixty days after filing |
| 17 | the request for a trial by jury. Failure to post the cash deposit as required by this |

AN ACT

1 Subparagraph shall constitute a waiver of the trial by jury. This cash deposit shall be 2 subject to Article 1734.1(E). 3 (b) When the case is set for trial, the court may additionally provide for a 4 supplemental bond or cash deposit in accordance with Article 1734 or 1734.1. 5

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

DIGEST

SB 19 Original

2024 Regular Session

Seabaugh

Present law (C.C.P. Art. 1733) provides that a party may obtain a trial by jury by filing a pleading demanding a trial by jury and a bond in the amount and within the time set by the court pursuant to present law.

<u>Present law</u> provides that in a tort action where a petitioner stipulates or otherwise judicially admits that the amount in controversy exceeds \$10,000, and is less than \$50,000, a party requesting a jury trial shall provide a cash deposit in the amount of \$5,000.

<u>Proposed law</u> retains <u>present law</u> but removes the requirement that a party requesting a jury trial shall provide a cash deposit in the amount of \$5,000.

Effective August 1, 2024.

(Amends C.C.P. Art. 1733)