

# ACT No. 13

2020 Regular Session

HOUSE BILL NO. 98

BY REPRESENTATIVE MAGEE

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 863(A), relative to the signing of  
3 civil pleadings; to provide for a physical service address; and to provide for related  
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Article 863(A) is hereby amended and reenacted  
7 to read as follows:

8 Art. 863. Signing of pleadings, effect

9 A. Every pleading of a party represented by an attorney shall be signed by  
10 at least one attorney of record in his individual name, whose physical address for  
11 service of process shall be stated. A party who is not represented by an attorney  
12 shall sign his pleading and state his physical address for service of process. If mail  
13 is not received at the physical address for service of process, a designated mailing  
14 address shall also be provided.

15 \* \* \*

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2020 Regular Session  
HOUSE BILL NO. 125  
BY REPRESENTATIVE GREGORY MILLER

# ACT No. 19

(On Recommendation of the Louisiana State Law Institute)

1 AN ACT

2 To amend and reenact Civil Code Articles 897, 1495, and 1505(A) and (B) and Code of  
3 Civil Procedure Articles 2952 and 3396.18(A), to enact Civil Code Article 1495.1,  
4 and to repeal Part 1 of Chapter 4 of Title 9 of the Louisiana Revised Statutes of 1950,  
5 comprised of R.S. 9:2401, relative to successions; to modernize terminology; to  
6 provide for the calculation of the legitime; to provide for the calculation of the active  
7 mass of a succession; to provide for the independent administration of a succession;  
8 to provide for the sealing of a detailed descriptive list in a succession without  
9 administration; to repeal the Uniform Wills Law; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Civil Code Articles 897, 1495, and 1505(A) and (B) are hereby amended  
12 and reenacted and Civil Code Article 1495.1 is hereby enacted to read as follows:

13 Art. 897. Ascendant's right to inherit immovables donated to descendant.

14 Ascendants, to the exclusion of all others, inherit the immovables given by  
15 them to their children or their descendants of a more remote degree who died without  
16 ~~posterity~~ descendants, when these objects are found in the succession.

17 If these objects have been alienated, and the price is yet due in whole or in  
18 part, the ascendants have the right to receive the price. They also succeed to the right  
19 of reversion on the happening of any event which the child or descendant may have  
20 inserted as a condition in his favor in disposing of those objects.

21 Revision Comments - 2020

22 The term "posterity" as used in the first paragraph of Article 897 has been  
23 replaced with the term "descendants," as "posterity" is no longer defined in the Civil  
24 Code. Under the Civil Code of 1870, the term "posterity" was defined to mean "all  
25 the descendants in the direct line." Article 3556(24) (1870). It was deleted in 1999.

26 \* \* \*

1 Art. 1495. Amount of forced portion and disposable portion

2 Donations *inter vivos* and *mortis causa* may not exceed three-fourths of the  
 3 property of the donor if he leaves, at his death, one forced heir, and one-half if he  
 4 leaves, at his death, two or more forced heirs. The portion reserved for the forced  
 5 heirs is called the forced portion and the remainder is called the disposable portion.

6 ~~Nevertheless, if the fraction that would otherwise be used to calculate the~~  
 7 ~~legitime is greater than the fraction of the decedent's estate to which the forced heir~~  
 8 ~~would succeed by intestacy, then the legitime shall be calculated by using the~~  
 9 ~~fraction of an intestate successor.~~

10 Art. 1495.1. Calculation of the legitime

11 To determine the legitime of a forced heir when all forced heirs are of the  
 12 first degree, the division of the forced portion is made by heads.

13 When representation occurs for purposes of forced heirship, the division is  
 14 made by roots among those qualifying as forced heirs or being represented. Within  
 15 each root, any subdivision is also made by roots in each branch, with those  
 16 qualifying as forced heirs by representation taking by heads.

17 Nevertheless, if the fraction that would otherwise be used to calculate the  
 18 legitime is greater than the fraction of the decedent's estate to which the forced heir  
 19 would succeed by intestacy, then the legitime shall be calculated by using the  
 20 fraction of an intestate successor.

21 Revision Comments - 2020

22 (a) This Article provides a definitive statement as to how to calculate an  
 23 individual forced heir's legitime. In that vein, it should be read in conjunction with  
 24 Article 1495, which provides the method of calculation of the forced portion, i.e., the  
 25 amount to which all forced heirs are collectively entitled.

26 (b) The first paragraph of this Article is applicable when all forced heirs are  
 27 forced heirs of the first degree. When one or more forced heirs is a forced heir by  
 28 representation, the second paragraph specifies the method by which the legitime is  
 29 calculated. Both the first and the second paragraphs of this Article are subject to the  
 30 limitation provided in the third paragraph.

31 (c) The second paragraph of this Article closes a gap that has long existed  
 32 in Louisiana law, namely, how to calculate the legitime of a forced heir grandchild.  
 33 Under this Article, the forced portion is initially calculated by assessing the number  
 34 of descendants who are forced heirs in their own right or who are forced heirs by  
 35 virtue of being represented by their descendants. The legitime is then calculated by  
 36 roots and within each root by heads, but only among those who qualify as forced

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 heirs by representation. Descendants of those who are treated as forced heirs under  
 2 this Article but do not themselves qualify as forced heirs by representation are not  
 3 considered for purposes of calculation of the legitime. By way of example, A may  
 4 have two predeceased children B and C, neither of whom qualified as a forced heir  
 5 in his own right. B has a child D, who is a forced heir by representation, and C has  
 6 three children, E, F, and G, but only E and F qualify as forced heirs by  
 7 representation. Under this example, the calculation of the forced portion would be  
 8 made at the generational level of B and C because B and C are both represented by  
 9 forced heirs although neither B nor C is a forced heir in his own right. Consequently,  
 10 the forced portion would be 1/2. B's root (or his 1/4 share) would be distributed to D,  
 11 his child who is a forced heir by representation. C's root (or his 1/4 share) would be  
 12 divided equally between E and F, but not G, as E and F are the only forced heirs by  
 13 representation in C's root.

14 (d) The third paragraph of this Article specifies the limitation commonly  
 15 known as the Greenlaw rule, which has been moved from Article 1495 to this  
 16 Article. This revision has not disturbed its applicability in the ordinary case where  
 17 the legitime share of a forced heir of the first degree is reduced to an intestate share.  
 18 Rather, this Article clarifies that the Greenlaw rule is also applicable to the share of  
 19 a forced heir by representation and may, in some instances, serve to reduce the  
 20 legitime fraction of a forced heir by representation to that of an intestate successor.  
 21 Whenever the Greenlaw rule applies, the reduction in the fraction used to calculate  
 22 the legitime of a forced heir correspondingly reduces the overall forced portion to  
 23 which all of the forced heirs are collectively entitled.

24 \* \* \*

25 Art. 1505. Calculation of disposable portion on mass of succession

26 A. To determine the reduction to which the donations, either *inter vivos* or  
 27 *mortis causa*, are subject, an aggregate is formed of all property belonging to the  
 28 donor or testator at the time of his death; the sums due by the estate are deducted  
 29 from this aggregate amount; to that is fictitiously added the property disposed of by  
 30 donation *inter vivos* within three years of the date of the donor's death, according to  
 31 its value at the time of the donation.

32 B. ~~The sums due by the estate are deducted from this aggregate amount, and~~  
 33 ~~the disposable quantum is calculated~~ determined on the ~~balance~~ above calculation,  
 34 taking into consideration the number of forced heirs.

35 \* \* \*

36 Revision Comments - 2020

37 This revision corrects a mistake that has long existed in Louisiana law  
 38 regarding the calculation of the mass of the succession for purposes of forced  
 39 heirship. Paragraph A of the prior version of Article 1505 declared that in  
 40 ascertaining the reduction to which donations are subject, an aggregate is formed of  
 41 all of the decedent's property and certain donations *inter vivos* are fictitiously added.  
 42 Paragraph B then provided that the "sums due by the estate" were to be subtracted  
 43 from the aggregate amount formed in Paragraph A. This language was derived from  
 44 Article 922 of the French Civil Code, which has been characterized as "not clearly

1 express[ing] the intention of the legislation." Aubry & Rau, Droit Civil Français:  
 2 Testamentary Successions and Gratuitous Dispositions § 684 n.15. Specifically, the  
 3 order of calculation suggested by the prior version of Article 1505 proved  
 4 problematic in instances in which the value of the property left at death is less than  
 5 the debts. In such a case, the value of debts must be subtracted prior to adding  
 6 fictitiously certain donations inter vivos. After all, "the sum [that] the donees are  
 7 permitted to keep can [not] be affected by the payment of the debts[] because  
 8 creditors cannot profit by the reduction ..." Id. See also Philippe Malaurie et Claude  
 9 Brenner, Droit des Successions et des Libéralités 431 (8th ed. 2018). The current  
 10 revision makes clear that the proper method of computing the succession mass is to  
 11 deduct the debts of the succession from the aggregate of the extant property. Only  
 12 after the "net estate" is calculated does one "fictitiously add[] the property disposed  
 13 of by donation inter vivos within three years of the date of the donor's death,  
 14 according to its value at the time of the donation." Article 1505(A). In light of the  
 15 above, it should also be clear that when the decedent's estate is insolvent and the  
 16 amount of debts exceeds the assets, the "net estate" is considered to be zero, and the  
 17 succession mass for forced heirship purposes is based solely upon the donations inter  
 18 vivos that are fictitiously added back. See Malaurie et Brenner, supra, at 431.

19 Section 2. Code of Civil Procedure Articles 2952 and 3396.18(A) are hereby  
 20 amended and reenacted to read as follows:

21 Art. 2952. Descriptive list of property, if no inventory

22 A. If no inventory of the property left by the deceased has been taken, any  
 23 heir, legatee, or other interested party shall file in the succession proceeding a  
 24 detailed; descriptive list, sworn to and subscribed by him, of all items of property  
 25 composing the succe`sSSION of the deceased, stating the actual cash value of each item  
 26 at the time of the death of the deceased.

27 B. The detailed descriptive list shall be sealed upon the request of an heir or  
 28 legatee.

29 C. If the detailed descriptive list is sealed, a copy shall be provided to the  
 30 decedent's universal successors and surviving spouse. Upon motion of any  
 31 successor, surviving spouse, or creditor of the estate, the court may furnish relevant  
 32 information contained in the detailed descriptive list regarding assets and liabilities  
 33 of the estate.

34 Comments - 2020

35 This revision extends the procedure adopted in 2017 in the context of  
 36 independent administration to successions in which an heir is sent into possession  
 37 without an administration of the succession. For the reasons explained in the  
 38 Comments to Article 3396.18, the detailed descriptive list may be filed under seal.

39 \* \* \*

1 Art. 3396.18. Inventory or sworn descriptive list

2 A. Before the succession can be closed, a judgment of possession rendered,  
3 and the independent administrator discharged, there ~~must~~ shall be filed an inventory  
4 or sworn detailed descriptive list of assets and liabilities of the estate verified by the  
5 independent administrator.

6 \* \* \*

7 Comments - 2020

8 This revision clarifies the law by definitively stating that the rendition of a  
9 judgment of possession is still necessary even when a succession is independently  
10 administered. The 2017 amendments did not intend to repeal the requirement of a  
11 judgment of possession, even though independent administrators have "all the rights,  
12 powers, authorities, privileges, and duties of a succession representative provided in  
13 Chapters 4 through 12" of Title II of Book VI of the Louisiana Code of Civil  
14 Procedure. See Article 3395.15. Nothing in this Article affects the rendition of a  
15 partial judgment of possession pursuant to Articles 3362 or 3372.

16 Section 3. Part 1 of Chapter 4 of Title 9 of the Louisiana Revised Statutes of 1950  
17 is hereby repealed in its entirety.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2020 Regular Session  
HOUSE BILL NO. 499

# ACT No. 107

BY REPRESENTATIVE SEABAUGH

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 3396.1, relative to the issuance of  
3 letters of independent administration or executorship; to authorize the clerk of court  
4 to issue letters of independent administration or executorship; to provide an effective  
5 date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 3396.1 is hereby amended and reenacted  
8 to read as follows:

9 Art. 3396.1. Scope

10 Upon qualification of a succession representative and compliance with the  
11 provisions of this Chapter, the ~~court clerk~~ shall issue ~~Letters of Independent~~  
12 ~~Administration or Letters of Independent Executorship~~ letters of independent  
13 administration or letters of independent executorship, as appropriate, certifying that  
14 the independent administrator has been duly qualified.

15 Section 2. This Act shall become effective upon signature by the governor or, if not  
16 signed by the governor, upon expiration of the time for bills to become law without signature  
17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
18 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
19 effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

# ACT No. 173

HOUSE BILL NO. 142

BY REPRESENTATIVES ROBBY CARTER, BAGLEY, GARY CARTER, WILFORD CARTER, CORMIER, COX, CREWS, GREEN, HARRIS, LACOMBE, LARVADAIN, MARCELLE, MARINO, MOORE, NEWELL, PIERRE, SEABAUGH, AND STAGNI

1 AN ACT

2 To amend and reenact Code of Civil Procedure Articles 3421, 3431(A), and 3432.1(A)(8),  
3 relative to successions; to provide relative to the definition of small succession; to  
4 authorize the administration of certain testate successions without court approval; to  
5 provide for certain required information; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Articles 3421, 3431(A), and 3432.1(A)(8) are  
8 hereby amended and reenacted to read as follows:

9 Art. 3421. Small successions defined

10 A. A small succession, within the meaning of this Title, is the succession or  
11 the ancillary succession of a person who at any time has died and the decedent's  
12 property in Louisiana has a gross value of one hundred twenty-five thousand dollars  
13 or less valued as of the date of death or, if the date of death occurred at least twenty  
14 years prior to the date of filing of a small succession affidavit as authorized in this  
15 Title, leaving property in Louisiana of any value.

16 B. A small succession shall also include a succession of a person who has  
17 died testate, leaving no immovable property, and probate of the testament of the  
18 deceased would have the same effect as if the deceased had died intestate.

19 \* \* \*

20 Art. 3431. Small successions; judicial opening unnecessary

21 A. It shall not be necessary to open judicially the small succession of a  
22 person domiciled in Louisiana who died intestate or testate as provided by Article



2020 Regular Session  
HOUSE BILL NO. 757

# ACT No. 205

BY REPRESENTATIVES ROBERT OWEN AND DUBUISSON

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AN ACT

To amend and reenact R.S. 13:1875(13), 1899(J), 2080.1(B), 2106(A) and (B), 2487.1, 2487.17, 2586(C)(6)(c), and 5202(E), R.S. 15:254.7, and Code of Civil Procedure Articles 4843(H), 4844(A)(6), and 4847(A)(6), relative to the City Court of Slidell; to change the name from the City Court of Slidell to the City Court of East St. Tammany; to provide relative to the establishment of city court; to provide relative to the seal of the City Court of Slidell; to provide relative to the compensation of the city court judges; to provide relative to the jurisdiction and procedure of city court; to provide relative to court fees and costs; to provide relative to off duty law enforcement officers subpoenaed to testify; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:1875(13), 1899(J), 2080.1(B), 2106(A) and (B), 2487.1, 2487.17, 2586(C)(6)(c), and 5202(E) are hereby amended and reenacted to read as follows:

§1875. Compensation of city judges; particular courts

The judges of the following city courts shall receive the salaries herein provided:

\* \* \*

(13) Notwithstanding any other statute or provision of law to the contrary, particularly R.S. 13:1874(B), the judge of the City Court of ~~Slidell~~ East St. Tammany shall receive a minimum annual salary of twelve thousand nine hundred twenty-nine dollars payable monthly on his own warrant by the city of Slidell, and a minimum annual salary of three thousand six hundred dollars payable monthly on his own warrant by the parish of St. Tammany. The state shall pay the salary

1 specified by R.S. 13:1874(E). In addition, he shall also receive the same fees as are  
 2 payable to justices of the peace in all civil cases where the amount involved does not  
 3 exceed one hundred dollars, exclusive of interest, and the same fees as are payable  
 4 to clerks of district courts in all other civil cases. He shall not receive any fees in  
 5 criminal matters, including peace bond cases. The city of Slidell and the parish of  
 6 St. Tammany, or either of them, may pay such additional salary as they may from  
 7 time to time deem proper.

\* \* \*

9 §1899. Assessment and disposition of costs in criminal cases; costs in juvenile  
 10 matters for specified courts

\* \* \*

12 J. Notwithstanding any other law to the contrary, any fees received by the  
 13 City Court of ~~Slidell~~ East St. Tammany pursuant to Code of Criminal Procedure  
 14 Article 895.1(C) in excess of the amount needed to defray the costs of supervision  
 15 in criminal, traffic, and juvenile cases may be used for the operational expenses of  
 16 the city court.

\* \* \*

18 §2080.1. Miscellaneous city courts; fees; surplus in civil fee account

\* \* \*

20 B. Each of the marshals of the City Court of Opelousas, the City Court of  
 21 Ruston, the City Court of ~~Slidell~~ East St. Tammany, and the City Court of Sulphur,  
 22 may collect a fee of ten dollars for the taking of an appearance bond when required  
 23 to do so. The city court in such municipality may also impose an additional five-  
 24 dollar fee as court costs in civil and criminal matters. The sums collected for the  
 25 taking of an appearance bond, and any additional court costs as provided in this  
 26 Subsection, shall be deposited in such marshal's general fund to supplement the  
 27 operational expenses of the marshal's office and the expenditure of such funds shall  
 28 be subject to and included in the marshal's annual audit. A copy of the audit shall  
 29 be filed with the legislative auditor who shall make it available for public inspection.

\* \* \*

1 §2106. Particular courts; nonrefundable fee; assessment and disposition

2 A. In addition to all other fees and costs now or hereafter provided by law,  
 3 the clerk of court of the ~~city court of Slidell~~ City Court of East St. Tammany and the  
 4 clerk of the Twenty-Second Judicial District Court, St. Tammany Parish, except as  
 5 otherwise provided by law and subject to the provisions of Code of Civil Procedure  
 6 Article 5181 et seq., shall collect from every person filing any type of civil suit or  
 7 proceeding involving domestic violence a nonrefundable fee of twenty-five dollars  
 8 per filing.

9 B. In each criminal proceeding, involving family violence as defined in R.S.  
 10 46:2121.1, simple or third degree rape, forcible or second degree rape, aggravated  
 11 or first degree rape, aggravated assault, aggravated battery, simple battery,  
 12 aggravated kidnapping, simple kidnapping, or false imprisonment, or any attempt to  
 13 commit the aforementioned crimes, a nonrefundable fee of twenty-five dollars shall  
 14 be collected by the clerk of the ~~city court of Slidell~~ City Court of East St. Tammany  
 15 and the clerk of the Twenty-Second Judicial District Court, St. Tammany Parish,  
 16 which shall be in addition to all other fines, costs, or forfeitures lawfully imposed.  
 17 If the defendant is found guilty and placed on probation, the court shall, as a  
 18 condition of probation require the defendant to pay the additional fee at the time the  
 19 defendant is placed on probation. If the sentence of the court is incarceration, the fee  
 20 shall be collected at the time of imposition of sentence.

21 \* \* \*

22 §2487.1. City Court of ~~Slidell~~ East St. Tammany

23 The offices of justice of the peace and constable in Ward 9 and that part of  
 24 Ward 8 of St. Tammany Parish within the city of Slidell and the mayor's court in the  
 25 city of Slidell are abolished, and there is hereby established a court to be styled a  
 26 City Court of ~~Slidell, Louisiana~~ East St. Tammany. The territorial jurisdiction of the  
 27 court shall extend throughout Ward 8 and Ward 9 of St. Tammany Parish. In that  
 28 part of Ward 8 outside of the city of Slidell, the subject matter jurisdiction of the  
 29 Eighth Ward Justice of the Peace Court shall be the same as provided by law for  
 30 other justice of the peace courts. The jurisdiction of the mayor's court for the town

1 of Pearl River, Louisiana shall remain unchanged and unaffected by the provisions  
 2 of this Section. The City Court of ~~Slidell~~ East St. Tammany shall be composed of  
 3 a city judge, a marshal, and a clerk of said court. The judge and marshal of the city  
 4 court shall be elected at the congressional election every six years thereafter.

5 \* \* \*

6 §2487.17. Seal

7 The court shall be provided with a seal which shall contain a vignette of the  
 8 state seal, with the words, "Seal of the City Court of ~~Slidell, Louisiana~~ East St.  
 9 Tammany", which shall be used on all orders, writs and processes issuing from the  
 10 court. However, the absence of the seal shall not affect the validity of such  
 11 documents.

12 \* \* \*

13 §2586. Jurisdiction and procedure

14 \* \* \*

15 C.

16 \* \* \*

17 (6)

18 \* \* \*

19 (c) In Ward 8, a property standards or nuisance violation adopted pursuant  
 20 to local ordinance shall be prosecuted in City Court of ~~Slidell~~ East St. Tammany or  
 21 Ward 8 Justice of the Peace Court. In Ward 9, a property standards or nuisance  
 22 violation adopted pursuant to local ordinance shall be prosecuted in City Court of  
 23 ~~Slidell~~ East St. Tammany.

24 \* \* \*

25 §5202. Jurisdiction

26 \* \* \*

27 E. In the City Court of ~~Slidell~~ East St. Tammany, the small claims division  
 28 shall have civil subject matter jurisdiction in cases where the amount in dispute is the  
 29 same as the amount established for civil jurisdiction in a justice of the peace court,  
 30 exclusive of interest, court costs, attorney fees, or penalties, whether provided by

1 agreement or by law, provided that not more than ten parties plaintiff shall be joined  
2 in the same action pursuant to Article 463 of the Code of Civil Procedure, and there  
3 shall be no class certification pursuant to Articles 591 through 597 of the Code of  
4 Civil Procedure.

5 \* \* \*

6 Section 2. R.S. 15:254.7 is hereby amended and reenacted to read as follows:

7 §254.7. Compensation of off-duty law enforcement officers; City Court of ~~Slidell~~  
8 East St. Tammany

9 Any sheriff, deputy sheriff, city or state police officer, or other law  
10 enforcement officer subpoenaed to testify in a traffic, criminal, or juvenile case  
11 before the City Court of ~~Slidell~~ East St. Tammany on a date or at a time when such  
12 officer is off duty shall be paid the sum of twenty-five dollars per subpoena per day  
13 by the clerk of the City Court of ~~Slidell~~ East St. Tammany. The clerk of the City  
14 Court of ~~Slidell~~ East St. Tammany shall transmit the fees due under this Section to  
15 the law enforcement officer's employer within thirty days after the officer qualifies  
16 for the fee. The employer shall be responsible for calculating and withholding all  
17 requisite deductions for taxes and for transferring or remitting all sums of employee  
18 withholdings to the appropriate taxing authorities, on behalf of the law enforcement  
19 officer and, within thirty days after receipt of the funds, for making payment of the  
20 appropriate net amount to the law enforcement officer. Compensation allowed law  
21 enforcement officers as witnesses in accordance with the provisions of this Section  
22 shall not be deemed to be in lieu of, or to constitute any portion of, the salary or  
23 compensation paid to such law enforcement officers for the performance of the  
24 duties of their jobs, nor shall the payment of such witness fees be taken into  
25 consideration in determining the salary, any salary increase, or any supplemental pay  
26 by the state to which any law enforcement officer is or becomes entitled. As a  
27 condition precedent to receipt of the compensation provided in this Section, the law  
28 enforcement officer and his superior shall be required to certify to the clerk of the  
29 City Court of ~~Slidell~~ East St. Tammany that the officer was summoned to testify on  
30 a day while he was off duty and did in fact appear in court as commanded in the

1 subpoena. The maximum allowable fee to be received by an officer on any given  
 2 day when he is summoned in an off-duty status will be seventy-five dollars, no  
 3 matter how many summons he receives for that specific day. Said sum shall be in  
 4 addition to any other compensation the law enforcement officer is eligible to receive.  
 5 When the fee is for the testimony of an off-duty law enforcement officer employed  
 6 by public safety services of the Department of Public Safety and Corrections, the fee  
 7 shall be paid directly to public safety services.

8 \* \* \*

9 Section 3. Code of Civil Procedure Articles 4843(H), 4844(A)(6), and 4847(A)(6)  
 10 are hereby amended and reenacted to read as follows:

11 Art. 4843. City court jurisdiction; amount in dispute; injunctive actions by state or  
 12 political subdivision

13 \* \* \*

14 H. In the City Court of Alexandria, the Third Ward City Court of Franklin,  
 15 the City Court of Pineville, the City Court of ~~Slidell~~ East St. Tammany, the City  
 16 Court of Ruston, and the City Court of Lake Charles, the civil jurisdiction is  
 17 concurrent with the district court in cases where the amount in dispute, or the value  
 18 of the property involved, does not exceed fifty thousand dollars.

19 \* \* \*

20 Art. 4844. Amount in dispute; eviction proceedings

21 A. A parish court or city court shall have jurisdiction, concurrent with the  
 22 district court, over suits by owners and landlords for the possession of leased  
 23 premises as follows:

24 \* \* \*

25 (6) In the City Court of ~~Slidell~~ East St. Tammany, the city court shall have  
 26 the same jurisdictional limit for possession of leased premises in eviction  
 27 proceedings as provided for in Code of Civil Procedure Article 4912 for justice of  
 28 the peace courts.

29 \* \* \*



2020 Regular Session

# ACT No. 258

HOUSE BILL NO. 361

BY REPRESENTATIVES DAVIS, NELSON, AND CHARLES OWEN AND SENATORS  
CLOUD, FOIL, AND MCMATH

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AN ACT

To enact Code of Civil Procedure Article 4541(A)(11) and Chapter 24-A of Title 13 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 13:4261.101 through 4261.302, relative to supportive decisionmaking agreements for certain adults; to provide for the Supported Decisionmaking Agreement Act; to provide for the scope of supported decisionmaking agreements; to provide for certain definitions, terms, procedures, conditions, requirements, and effects; to provide for access to personal information; to provide for the authority of certain persons; to provide for the term of a supported decisionmaking agreement; to provide for revocation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 4541(A)(11) is hereby enacted to read as follows:

Art. 4541. Petition for interdiction

A. Any person may petition for the interdiction of a natural person of the age of majority or an emancipated minor. The petitioner shall verify the petition and, to the extent known, shall set forth the following with particularity:

\* \* \*

(11) A description with particularity of the petitioner's efforts to use less restrictive means before seeking interdiction, including all of the following:

(a) The less restrictive means for meeting the defendant's needs that were considered or implemented.



1           §4261.103. Purpose

2                   The purpose of this Chapter is to recognize a less restrictive decisionmaking  
3           process and empowers supported decisionmaking as an option over interdiction for  
4           adults with disabilities who need assistance with decisions regarding daily living.

5           PART II. SCOPE OF AGREEMENT AND AGREEMENT REQUIREMENTS

6           §4261.201. Scope of supported decisionmaking agreement

7                   An adult may voluntarily, without undue influence or coercion, enter into a  
8           supported decisionmaking agreement with a supporter under which the adult  
9           authorizes the supporter to do any of the following:

10                   (1) Provide supported decisionmaking, including assistance in understanding  
11           the options, responsibilities, and consequences of the adult's life decisions, without  
12           making those decisions on behalf of the adult.

13                   (2) Assist the adult in accessing, collecting, and obtaining information that  
14           is relevant to a given life decision, including medical, psychological, financial,  
15           educational, or treatment records.

16                   (3) Assist the adult in understanding the information described by Paragraph  
17           (2) of this Subsection.

18                   (4) Assist the adult in communicating the adult's decisions to the appropriate  
19           parties.

20           §4261.202. Authority of supporter

21                   A supporter may exercise the authority granted to the supporter in the  
22           supported decisionmaking agreement.

23           §4261.203. Requirements of supporter

24                   A supporter shall do all of the following:

25                   (1) Support the will and preference of the adult and not the supporter's  
26           opinion of the adult's best interests.

27                   (2) Act honestly, diligently, and in good faith.

28                   (3) Act within the scope set forth in the adult's supported decisionmaking  
29           agreement.

30                   (4) Avoid conflicts of interest.

1                   (5) Notify the adult in writing of the supporter's intent to resign as a  
2                   supporter.

3                   §4261.204. Prohibitions

4                   A supporter is prohibited from doing all of the following:

5                   (1) Exerting undue influence upon the adult.

6                   (2) Obtaining, without the consent of the adult, information relating to the  
7                   adult acquired for a purpose other than assisting the adult in making a specific  
8                   decision authorized by the supported decisionmaking agreement.

9                   (3) Acting outside the scope of authority provided in the supported  
10                   decisionmaking agreement.

11                   (4) Obtaining, without the consent of the adult, nonpublic personal  
12                   information relating to the adult as defined in 15 U.S.C. 6809(4)(A).

13                   §4261.205. Requirements of a supported decisionmaking agreement

14                   A. A supported decisionmaking agreement shall contain all of the following  
15                   information:

16                   (1) The name, address, and phone number of at least one supporter.

17                   (2) A description of the decisionmaking assistance that a supporter shall  
18                   provide to the adult and, if multiple supporters, how they shall work together.

19                   B. A supported decisionmaking agreement may do any of the following:

20                   (1) Appoint more than one supporter.

21                   (2) Appoint an alternate to act in the place of a supporter under  
22                   circumstances specified in the agreement.

23                   (3) Authorize a supporter to share information with any other supporter or  
24                   others named in the agreement.

25                   C. A supported decisionmaking agreement shall be in the form of an  
26                   authentic act, dated, and signed by the adult or by the adult's guardian if the adult  
27                   lacks capacity under Civil Code Article 1918.

28                   D. A supported decisionmaking agreement shall contain a separate  
29                   declaration signed by each supporter named in the agreement indicating the

1 supporter's relationship to the adult, willingness to act as a supporter, and  
2 acknowledgment of the duties of a supporter.

3 §4261.206. Revocation

4 A. An adult may revoke a supported decisionmaking agreement at any time.

5 A revocation shall be in the form of an authentic act, dated, and signed by the adult  
6 or the adult's guardian if the adult lacks capacity under Civil Code Article 1918, and  
7 a copy of the revocation shall be provided to each supporter.

8 B. A supporter may revoke a supported decisionmaking agreement at any  
9 time. A revocation shall be in the form of an authentic act, dated, and signed by the  
10 supporter, and a copy of the revocation shall be provided to the adult subject of the  
11 supported decisionmaking agreement, the adult's guardian, if applicable, and any  
12 other supporters.

13 §4261.207. Term of agreement

14 A. A supported decisionmaking agreement terminates under any of the  
15 following circumstances:

16 (1) The adult subject of the supported decisionmaking agreement dies.

17 (2) The adult subject of the supported decisionmaking agreement revokes the  
18 agreement under R.S. 13:4261.206.

19 (3) The named supporter revokes his participation in writing without naming  
20 successor supporters.

21 (4) A court of competent jurisdiction determines that the adult does not have  
22 capacity to execute or consent to a supported decisionmaking agreement.

23 (5) A court of competent jurisdiction determines that a supporter has used  
24 the supported decisionmaking agreement to commit financial exploitation, abuse, or  
25 neglect of the adult.

26 (6) A court of competent jurisdiction appoints a temporary or permanent  
27 guardian for the person or property of the adult, unless the court's order of  
28 appointment does all of the following:

29 (a) Expressly modifies but continues the supported decisionmaking  
30 agreement.

1                   **(b) Limits the powers and duties of the guardian.**

2                   **(7) The adult signs a valid durable power of attorney, except to the extent**  
3                   **that the power of attorney expressly continues, in whole or in part, the supported**  
4                   **decisionmaking agreement.**

5                   **B. The court may enter an order under Paragraph (A)(4), (5), or (6) of this**  
6                   **Section only after notice is given to the adult and all supporters named in the**  
7                   **agreement and a hearing is conducted.**

8                   **§4261.208. Access to personal information**

9                   **A. A supporter is authorized to assist the adult only in accessing, collecting,**  
10                   **or obtaining information that is relevant to a decision authorized under the supported**  
11                   **decisionmaking agreement.**

12                   **B. If a supporter assists an adult in accessing, collecting, or obtaining**  
13                   **personal information, including protected health information under the Health**  
14                   **Insurance Portability and Accountability Act of 1996 (P.L. 104-191) or educational**  
15                   **records under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C.**  
16                   **1232g), the supporter shall ensure the information is kept privileged and confidential,**  
17                   **as applicable, and is not subject to unauthorized access, use, or disclosure.**

18                   **C. The existence of a supported decisionmaking agreement does not preclude**  
19                   **an adult from seeking personal information without the assistance of a supporter.**

20                   **PART III. MISCELLANEOUS PROVISIONS**

21                   **§4261.301. Reliance**

22                   **A supported decisionmaking agreement that complies with Part II of this**  
23                   **Chapter is presumed valid. A party may rely on the presumption of validity unless**  
24                   **the party has actual knowledge that the supported decisionmaking agreement was not**  
25                   **validly executed.**

26                   **§4261.302. Reporting of suspected abuse, neglect, or exploitation**

27                   **If a person who receives a copy of a supported decisionmaking agreement or**  
28                   **is aware of the existence of a supported decisionmaking agreement and has cause to**  
29                   **believe that the adult is being abused, neglected, or exploited by a supporter, the**

1            person shall report the alleged abuse, neglect, or exploitation to any adult protection  
2            agency or any local or state law enforcement agency.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2020 Regular Session  
HOUSE BILL NO. 404  
BY REPRESENTATIVE FARNUM

# ACT No. 264

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AN ACT

To amend and reenact R.S. 1:55(E)(2) and R.S. 13:754(B) and (E)(1), (5), (8), and (10), and Code of Civil Procedure Article 253(B) and (E), and to enact R.S. 13:754(E)(13) and Code of Civil Procedure Article 253(F) through (H), relative to emergency closings for clerks of court; to provide relative to the Louisiana Clerks' Remote Access Authority; to facilitate electronic transactions or communications; to disseminate information to the public; to require certain statements regarding closure of the office of the clerk; to provide for an electronic bulletin board on the statewide portal; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 1:55(E)(2) is hereby amended and reenacted to read as follows:

§55. Days of public rest, legal holidays, and half-holidays

\* \* \*

E.

\* \* \*

(2) If an emergency situation develops which, in the judgment of the clerk of court, renders it hazardous or otherwise unsafe for employees of the office of the clerk to continue in the performance of their official duties or for the general public to conduct business with the clerk's office, the clerk, with prior approval from the clerk's chief judge or other person authorized to exercise his authority, may order the closing of his office for the duration of the hazardous or unsafe condition. No such closure shall be effective nor shall such period of closing be considered a legal holiday unless prior written approval or written confirmation from such chief judge

1 or person acting on his behalf is received by the clerk of court. When the office is  
 2 reopened, the clerk ~~shall have published as soon as possible a legal notice in all of~~  
 3 ~~the official parish journals of the parishes within the district setting forth the dates~~  
 4 ~~of closure, the hour of closure if applicable, the reasons for closure, and a statement~~  
 5 ~~that, pursuant to Paragraph (3) of this Subsection, these days or parts of days were~~  
 6 ~~legal holidays. The clerk shall attach a similar statement setting forth the dates of~~  
 7 ~~closure, the hours of closure if applicable, the reasons for closure, and a statement~~  
 8 ~~that, pursuant to Paragraph (3) of this Subsection, these days or parts of days were~~  
 9 ~~legal holidays to every document, petition, or pleading filed in the office of the clerk~~  
 10 on the first day or part of a day his office is open after being closed under the  
 11 provisions of this Paragraph, whenever the petition or document relates to a cause  
 12 of action, right of appeal, or other matter against which prescription could have run  
 13 or time periods imposed by law could have expired.

14 \* \* \*

15 Section 2. R.S. 13:754(B) and (E)(1), (5), (8), and (10) are hereby amended and  
 16 reenacted and R.S. 13:754(E)(13) is hereby enacted to read as follows:

17 §754. Louisiana Clerks' Remote Access Authority; membership; board of  
 18 commission; statewide portal ~~of records~~

19 \* \* \*

20 B. The LCRAA shall provide for infrastructure, governance, standard  
 21 operating procedures, technology, and training to support a statewide portal for  
 22 secure remote access by Internet users to certain records maintained by LCRAA  
 23 members and shall provide assistance to LCRAA members in procuring,  
 24 implementing, enhancing, and maintaining equipment, supplies, and services related  
 25 to technology to facilitate electronic transactions and communications and to  
 26 disseminate information to the public, to facilitate the operations of any member  
 27 during any declared emergency, and to provide for document preservation.

28 \* \* \*

29 E. The LCRAA, acting through its board, shall have the following powers  
 30 and duties:

1           (1) To design, construct, administer, and maintain a statewide portal for  
 2 remote access of certain electronic images of certain records maintained by members  
 3 and technology to facilitate electronic transactions and communications, and to  
 4 disseminate information to the public.

5                                           \*       \*       \*

6           (5) To provide such services and make such expenditures as LCRAA deems  
 7 proper for the ~~establishment and maintenance of a statewide portal~~ achievement of  
 8 the purposes of this Section.

9                                           \*       \*       \*

10          (8) To establish user fees for ~~remote access~~ services provided through the  
 11 statewide portal. The fees shall be sufficient to recover administrative and  
 12 operational expenses. Administrative and operational expenses shall include but not  
 13 be limited to hardware, computer support, maintenance, enhancements, upgrades,  
 14 and replacement of information technology equipment, including software and  
 15 conversion services, preserving, maintaining, and enhancing records including the  
 16 costs of repairs, maintenance, consulting services, service contracts, redaction of  
 17 confidential information from records, system replacements or upgrades, and  
 18 improving public access to records.

19                                           \*       \*       \*

20          (10) To establish and administer a grant program for assisting members with  
 21 acquiring hardware and software and related equipment, supplies, and services for  
 22 the conversion of records to increase the records made available through the  
 23 statewide portal, to facilitate electronic transactions or communications, to  
 24 disseminate information to the public, or to facilitate the operations of any member  
 25 during any declared emergency.

26                                           \*       \*       \*

27          (13) To establish and administer an electronic bulletin board on the statewide  
 28 portal for participants to display and archive copies of public notices including but  
 29 not limited to notices of emergency closures required by R.S. 1:55(E)(2). LCRAA



1                    H. All electronic filings shall include an electronic signature. For the  
2                    purpose of this Article, "electronic signature" means an electronic symbol or process  
3                    attached to or logically associated with a record and executed or adopted by a person  
4                    with the intent to sign the record.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2020 Regular Session  
HOUSE BILL NO. 594  
BY REPRESENTATIVE SEABAUGH

# ACT No. 281

1 AN ACT

2 To amend and reenact Civil Code Article 811 and Code of Civil Procedure Articles 4607,  
3 4621, 4622, 4624, 4625, 4626, 4627, 4629, and 4643 and to enact Code of Civil  
4 Procedure Article 4626.1, relative to property; to provide for partitions by private  
5 sale; to provide for absentee co-owners; to provide for publication notice; to provide  
6 for petitions, trials, and judgments of partitions by private sale; to provide for the  
7 appointment of an attorney; to provide for an effective date; and to provide for  
8 related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Civil Code Article 811 is hereby amended and reenacted to read as  
11 follows:

12 Art. 811. Partition by licitation or by private sale

13 When the thing held in indivision is not susceptible to partition in kind, the  
14 court shall decree a partition by licitation or by private sale and the proceeds shall  
15 be distributed to the co-owners in proportion to their shares. In the event that one or  
16 more of the co-owners are absentees or have not consented to a partition by private  
17 sale, the court may set the terms of the sale and order a partition by private sale.

18 Section 2. Code of Civil Procedure Articles 4607, 4621, 4622, 4624, 4625, 4626,  
19 4627, 4629, and 4643 are hereby amended and reenacted and Code of Civil Procedure  
20 Article 4626.1 is hereby enacted to read as follows:

21 Art. 4607. Partition by licitation or by private sale

22 When a partition is to be made by licitation, the sale shall be conducted at  
23 public auction and after the advertisements required for judicial sales under  
24 execution. When a partition is to be made at private sale without the consent of all

1 co-owners, the sale shall be for not less than two-thirds of the appraised value of the  
2 property and shall be made by a court-appointed representative, who may be a co-  
3 owner, after the advertisements required for judicial sales under execution are made.

4 All counsel of record, including curators appointed to represent absentee defendants,  
5 and persons appearing in proper person shall be given notice of the sale date. At any  
6 time prior to the sale, the parties may agree upon a nonjudicial partition.

7 \* \* \*

8 Art. 4621. Partition by licitation or private sale

9 When one of the co-owners of property sought to be partitioned is an  
10 absentee, the partition may be effected by licitation or by private sale, as provided  
11 in this Chapter, whether the property is divisible in kind or not.

12 Art. 4622. Petition

13 The petition for the partition of property in which an absentee owns an  
14 interest, under the articles of this Chapter, shall allege the facts showing that the  
15 absent and unrepresented defendant is an absentee, as defined in Article 5251, shall  
16 describe the property sought to be partitioned and allege the ownership interests  
17 thereof, and shall be supported by an affidavit of the petitioner or of his counsel that  
18 the facts alleged in the petition are true. If the partition is to be made by private sale,  
19 the petition shall describe the primary terms of the proposed sale, identify the  
20 proposed purchaser, if any, disclose whether the proposed purchaser is related to any  
21 co-owner, and disclose to the petitioning co-owners whether any costs associated  
22 with the sale will be paid to any person related to the petitioning co-owners within  
23 the fourth degree or a juridical entity in which the co-owner has a direct or indirect  
24 financial interest.

25 \* \* \*

26 Art. 4624. Publication of notice

27 Notice of the institution of the proceeding shall be published at least once in  
28 the parish where the partition proceeding is instituted, in the manner provided by  
29 law. This notice shall set forth the title and docket number of the proceeding, the  
30 name and address of the court, ~~and~~ a description of the property sought to be

1 partitioned, and the terms of the private sale and shall notify the absent defendant  
 2 that the plaintiff is seeking to have the property partitioned by licitation or by private  
 3 sale, and that the absent defendant has fifteen days from the date of the publication  
 4 of notice, or of the initial publication of notice if there is more than one publication,  
 5 to answer the plaintiff's petition.

6 Art. 4625. Trial; judgment ordering sale

7 Except as otherwise provided in Article 4630, if the petitioner proves on the  
 8 trial of the proceeding that he is a co-owner of the property and entitled to the  
 9 partition thereof and that the defendant is an absentee who owns an interest therein,  
 10 the court shall render judgment ordering either the public sale of the property for  
 11 cash by the sheriff to effect a partition, after the advertisement required by law for  
 12 a sale under execution: or the private sale of the property for cash by the court-  
 13 appointed representative to effect a partition, after the advertisement required by law  
 14 for a sale under execution.

15 The judgment shall determine the absentee's share in the proceeds of the sale,  
 16 and award a reasonable fee to the attorney appointed to represent him to be paid from  
 17 the absentee's share of the proceeds of the sale.

18 Art. 4626. Judgment ordering reimbursement or payment of amounts due co-owner  
 19 out of proceeds of public sale

20 A judgment ordering the public sale of property to effect a partition under the  
 21 provisions of this Chapter shall order, out of the proceeds of such sale, all of the  
 22 following:

23 (1) The reimbursement to a co-owner of the amount proven to be due ~~him~~  
 24 the co-owner for the payment of taxes on the property, and the expenses of  
 25 preservation ~~thereof, and~~ of the property.

26 (2) The payment to a co-owner of the amount proven to be due ~~him~~ the co-  
 27 owner by another co-owner who has received and retained the fruits and revenues  
 28 of the property.



