

December 6, 2005
OPINION NO. 05-0197

Mike Walsworth
State Representative ~ District 15
704-A Trenton Street
West Monroe, Louisiana 71291

10 CLERKS OF COURT – Compensation & Fees;
Powers & Duties, General
15 COURTS

LA-R.S. 13:1898, LA-R.S. 9:3576.6, Op. Atty. Gen., No.
96-71

Without special authorization provided by law, a court
entity such as a Marshal's office may not contract with a
collection agency to assist in collecting unpaid fines and
court costs.

Dear Mr. Walsworth:

This office is in receipt of your Attorney General's opinion request, wherein you presented the following question as we understand it:

May a court entity, such as a Marshal's office, contract with a collection agency to assist in collecting unpaid fines and court costs?

It is the opinion of this office that a court entity, such as a Marshal's office, may not contract with a collection agency to assist in collecting unpaid fines and court costs.

Louisiana Revised Statute 13:1898 states, in pertinent part:

A. Except as otherwise provided by special law and in Subsection B thereof, the clerk of the city court or the marshal, as designated by the judge, shall collect all fines, forfeitures, penalties, and costs... [emphasis added.]

Because of the language emphasized, except as provided by special law, it is clear that a the clerk of court or the marshal has the sole responsibility of collecting unpaid fines UNLESS there is special authorization.

An example of such authorization would be the Revised Statute 9:3576.6, which stated "State and federal agencies, departments, political subdivisions of the state, incorporated municipalities, and parishes, may, by written contract, utilize collection agencies licensed and bonded under this Part for the purpose of collecting public debts owed by any person, except those arising from outstanding bench warrants, parking fines, and traffic tickets."

However, it does not apply to the instant case because it was repealed by Acts 2003, No. 638, § 1. The repeal indicated that the legislative intent was "...to repeal licensing

and regulatory provisions regarding collection agencies.” It is the opinion of this office that because of the aforementioned emphasized language (*Except as otherwise provided by special law*) the removal of the authorization in an attempt to deregulate collection agencies also removed the authority to utilize said agencies.

Further, previous Attorney General Opinions based on said repealed laws, such as Opinion No. 96-71 to Rep. Diez, are no longer authoritative on the issue.

I hope the foregoing Opinion has been responsive to your question.

Very truly yours,

CHARLES C. FOTI JR.
ATTORNEY GENERAL

BY: _____
STEPHEN STREET
ASSISTANT ATTORNEY GENERAL

SS/mv/jy

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Date Received: May 5, 2005
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STEPHEN STREET
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