



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 1215 (Substitute S-2 as reported by the Committee of the Whole)
Sponsor: Senator William Van Regenmorter
Committee: Judiciary

CONTENT

The bill would amend the Revised Judicature Act (RJA) to provide for the payment of a prisoner's civil filing fees from his or her institutional account. Specifically, if a prisoner under the jurisdiction of the Department of Corrections (DOC) commenced a civil action or filed an appeal in a civil action, and stated that he or she was indigent and therefore unable to pay the filing fee and costs required by law, the prisoner would have to submit to the court a certified copy of his or her institutional account, showing the current balance and a 12-month history of deposits and withdrawals. The court then would have to order the prisoner to pay fees and costs as provided in the bill, and would have to suspend the action or appeal until the court received the filing fee or initial partial filing fee. If the fee were not received within 21 days, the court would have to discontinue the filing of that action or appeal.

If the balance in the prisoner's institutional account equaled or exceeded the full amount of the filing fee required by law, the court would have to order the prisoner to pay that amount. If the balance were less than the full amount of the filing fee, the court would have to require the prisoner to pay an initial partial filing fee equal to 20% of the greater of the following: 1) the average monthly deposits to the prisoner's institutional account for the six months preceding the date of filing; or 2) the average monthly balance in the account for that six-month period. The court also would have to order the prisoner to make monthly payments equal to 50% of the deposits made to the account, until the full amount of the filing fee was paid. If costs were assessed against a prisoner, the court would have to order the prisoner to make payments as required in the bill for filing fees.

The fact of a prisoner's incarceration could not be the sole basis for a determination of indigency. The bill specifies, however, that it would not prohibit a prisoner from commencing a civil action or filing an appeal in a civil action if the prisoner had no assets and no means by which to pay the initial partial filing fee. If the court, pursuant to court rule, waived or suspended the payment of fees and costs because the prisoner had no assets and no means to pay the initial partial filing fee, the court would have to order the fees and costs to be paid by the prisoner in the manner provided in the bill when the reason for the waiver or suspension no longer existed.

The bill is tie-barred to Senate Bill 1214, which would require that an order of parole contain a condition that the parolee pay the balance of filing fees owed; and House Bill 4990, which would require the DOC to pay a prisoner's court costs from his or her institutional account.

Proposed MCL 600.2963

Legislative Analyst: S. Margules

FISCAL IMPACT

Please see FISCAL IMPACT for Senate Bill 1214.

Date Completed: 12-3-96

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