



SENATE BILL No. 1215

November 12, 1996, Introduced by Senators VAN REGENMORTER, NORTH, DINGELL, GAST, STEIL, GOUGEON, GEAKE, ROGERS, SCHUETTE, BULLARD, HOFFMAN, BENNETT, KOIVISTO, EMMONS, STILLE and SHUGARS and referred to the Committee on Judiciary.

A bill to amend Act No. 236 of the Public Acts of 1961, entitled as amended
"Revised judicature act of 1961,"
as amended, being sections 600.101 to 600.9948 of the Michigan Compiled Laws, by adding section 2963.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 236 of the Public Acts of 1961, as
2 amended, being sections 600.101 to 600.9948 of the Michigan
3 Compiled Laws, is amended by adding section 2963 to read as
4 follows:

5 SEC. 2963. (1) IF A PRISONER UNDER THE JURISDICTION OF THE
6 DEPARTMENT OF CORRECTIONS COMMENCES A CIVIL ACTION AS PLAINTIFF
7 IN A COURT OF THIS STATE OR FILES AN APPEAL IN A CIVIL ACTION IN
8 A COURT OF THIS STATE AND STATES THAT HE OR SHE IS INDIGENT AND
9 THEREFORE IS UNABLE TO PAY THE FILING FEE AND COSTS REQUIRED BY

1 LAW, THE PRISONER MAKING THE CLAIM OF INDIGENCY SHALL SUBMIT TO
2 THE COURT A CERTIFIED COPY OF HIS OR HER INSTITUTIONAL ACCOUNT,
3 SHOWING THE CURRENT BALANCE IN THE ACCOUNT AND A 6-MONTH HISTORY
4 OF DEPOSITS AND WITHDRAWALS FOR THE ACCOUNT. THE COURT THEN
5 SHALL ORDER THE PRISONER TO PAY FEES AND COSTS AS PROVIDED IN
6 THIS SECTION, NOTWITHSTANDING ANY CLAIM OF INDIGENCY BY THE
7 PRISONER.

8 (2) IF, UPON COMMENCEMENT OF THE CIVIL ACTION OR THE FILING
9 OF THE APPEAL, THE BALANCE IN THE PRISONER'S INSTITUTIONAL
10 ACCOUNT EQUALS OR EXCEEDS THE FULL AMOUNT OF THE FILING FEE
11 REQUIRED BY LAW, THE COURT SHALL ORDER THE PRISONER TO PAY THAT
12 AMOUNT.

13 (3) IF, UPON COMMENCEMENT OF THE CIVIL ACTION OR THE FILING
14 OF THE APPEAL, THE BALANCE IN THE PRISONER'S INSTITUTIONAL
15 ACCOUNT IS LESS THAN THE FULL AMOUNT OF THE FILING FEE REQUIRED
16 BY LAW, THE COURT SHALL REQUIRE THE PRISONER TO PAY AN INITIAL
17 PARTIAL FILING FEE IN AN AMOUNT EQUAL TO 20% OF THE GREATER OF
18 THE FOLLOWING:

19 (A) THE AVERAGE MONTHLY DEPOSITS TO THE PRISONER'S INSTITU-
20 TIONAL ACCOUNT FOR THE 6 MONTHS PRECEDING THE DATE ON WHICH THE
21 CIVIL ACTION IS COMMENCED OR THE APPEAL IS FILED.

22 (B) THE AVERAGE MONTHLY BALANCE IN THE PRISONER'S INSTITU-
23 TIONAL ACCOUNT FOR THE 6 MONTHS PRECEDING THE DATE ON WHICH THE
24 CIVIL ACTION IS COMMENCED OR THE APPEAL IS FILED.

25 (4) IN ADDITION TO AN INITIAL PARTIAL FILING FEE UNDER SUB-
26 SECTION (3), THE COURT SHALL ORDER THE PRISONER TO MAKE MONTHLY
27 PAYMENTS IN AN AMOUNT EQUAL TO 20% OF THE DEPOSITS MADE TO THE

1 ACCOUNT. PAYMENTS UNDER THIS SUBSECTION SHALL CONTINUE UNTIL THE
2 FULL AMOUNT OF THE FILING FEE IS PAID. THE COLLECTION OF PAY-
3 MENTS FROM THE ACCOUNT, AND THEIR REMITTAL BY THE DEPARTMENT OF
4 CORRECTIONS, SHALL BE CONDUCTED AS PROVIDED IN SECTION 68 OF ACT
5 NO. 232 OF THE PUBLIC ACTS OF 1953, BEING SECTION 791.268 OF THE
6 MICHIGAN COMPILED LAWS. IF COSTS ARE ASSESSED AGAINST A PRISON-
7 ER, AND IF THE BALANCE OF THE PRISONER'S INSTITUTIONAL ACCOUNT IS
8 NOT SUFFICIENT TO PAY THE FULL AMOUNT OF THE COSTS ASSESSED, THE
9 COURT SHALL ORDER THE PRISONER TO MAKE PAYMENTS IN THE SAME
10 MANNER REQUIRED IN THIS SECTION FOR THE PAYMENT OF FILING FEES,
11 AND THE FULL AMOUNT OF THE COSTS SHALL BE COLLECTED AND PAID IN
12 THE MANNER PROVIDED IN THIS SUBSECTION AND IN SECTION 68 OF ACT
13 NO. 232 OF THE PUBLIC ACTS OF 1953.

14 (5) THE TOTAL AMOUNT COLLECTED FROM A PRISONER UNDER SUBSEC-
15 TIONS (3) AND (4) SHALL NOT EXCEED THE FULL AMOUNT OF THE FILING
16 FEE AND COSTS REQUIRED BY LAW.

17 (6) THIS SECTION SHALL NOT PROHIBIT A PRISONER FROM COMMENC-
18 ING A CIVIL ACTION OR FILING AN APPEAL IN A CIVIL ACTION IF THE
19 PRISONER HAS NO ASSETS AND NO MEANS BY WHICH TO PAY THE INITIAL
20 PARTIAL FILING FEE. IF THE COURT, PURSUANT TO COURT RULE, WAIVES
21 OR SUSPENDS THE PAYMENT OF FEES AND COSTS IN AN ACTION DESCRIBED
22 IN SUBSECTION (1) BECAUSE THE PRISONER HAS NO ASSETS AND NO MEANS
23 BY WHICH TO PAY THE INITIAL PARTIAL FILING FEE, THE COURT SHALL
24 ORDER THE FEES AND COSTS TO BE PAID BY THE PRISONER IN THE MANNER
25 PROVIDED IN THIS SECTION WHEN THE REASON FOR THE WAIVER OR SUS-
26 PENSION NO LONGER EXISTS.

1 Section 2. This amendatory act shall not take effect unless
2 Senate Bill No. 1214
3 of the 88th Legislature is enacted into law.