

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 419 (Substitute S-4 as reported)
Sponsor: Senator William Van Regenmorter
Committee: Judiciary

CONTENT

The bill would add Chapter 55 ("Prisoner Litigation Reform") to the Revised Judicature Act to do all of the following:

- Repeal and replace Section 2963 of the RJA, which provides for the payment of a prisoner's civil filing fees and costs from his or her institutional account. (Under the bill, these provisions would apply to all prisoners, rather than just those in Department of Corrections facilities.)
- Specify that a civil action concerning prison conditions would have to be brought in the circuit court or Court of Claims, as appropriate, and generally prohibit a prisoner from bringing such an action if three or more prior actions or appeals had been dismissed as "nonmeritorious" (i.e., the party's primary purpose was to harass, embarrass, or injure the prevailing party; the party had no reasonable basis to believe that the facts underlying that party's legal position were in fact true; or the party's legal position was devoid of arguable legal merit).
- Require a court to dismiss all or part of a complaint concerning prison conditions, if the court found that it was nonmeritorious, or that the complaint sought monetary relief from a defendant who was immune from the requested relief.
- Allow a defendant in a complaint concerning prison conditions to waive the right to reply to an action brought by a prisoner, but provide that relief could not be granted to the plaintiff unless a reply had been filed. (The court could require a defendant to reply if it found that the plaintiff was likely to prevail on the merits.)
- Provide that a court, in a civil action brought by a prisoner, could revoke good time credit and/or disciplinary credit under certain circumstances.
- Provide for pretrial proceedings and hearings to be conducted in the prison.
- Provide that any damages awarded to a prisoner in connection with a civil action brought against a prison or prison official, employee, or agent would have to be paid directly to satisfy outstanding restitution orders pending against the prisoner, and any outstanding costs and fees as well as any other debt or assessment owed to the jurisdiction housing the prisoner.
- Restrict a court's ability to grant prospective relief in an action concerning prison conditions, and provide for the termination of prospective relief.
- Allow a court to appoint a special master to conduct hearings in a civil action concerning prison conditions.
- Require the State Court Administrative Office to compile a list of civil actions concerning prison conditions brought by prisoners that were dismissed as nonmeritorious.

Proposed MCL 600.5501-600.5533

Legislative Analyst: P. Affholter

FISCAL IMPACT

Please see **FISCAL IMPACT** on Senate Bill 406 (S-2).

Date Completed: 4-27-99

Fiscal Analyst: K. Firestone

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Analysis available @ <http://www.michiganlegislature.org>

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