

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 419**

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 2963 (MCL 600.2963), as added by 1996 PA 555,
and by adding chapter 55.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2963. (1) If a prisoner under the jurisdiction of the
2 department of corrections submits for filing a civil action as
3 plaintiff in a court of this state or submits for filing an
4 appeal in a civil action in a court of this state and states that
5 he or she is indigent and therefore is unable to pay the filing
6 fee and costs required by law, the prisoner making the claim of
7 indigency shall submit to the court a certified copy of his or
8 her institutional account, showing the current balance in the
9 account and a 12-month history of deposits and withdrawals for
10 the account. The court then shall order the prisoner to pay fees

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1 and costs as provided in this section. The court shall suspend
2 the filing of the civil action or appeal until the filing fee or
3 initial partial filing fee ordered under subsection (2) or (3) is
4 received by the court. If the court orders that a prisoner pay a
5 filing fee or partial filing fee, all documents submitted by the
6 prisoner that relate to that action or appeal shall be returned
7 to the prisoner by the court along with 2 certified copies of the
8 court order. An additional certified copy of the court order
9 shall be sent to the department of corrections facility where the
10 prisoner is housed. The prisoner then shall, within 21 days
11 after the date of the court order, resubmit to the court all doc-
12 uments relating to the action or appeal, accompanied by the
13 required filing fee or partial filing fee and 1 certified copy of
14 the court order. If the filing fee or initial partial filing fee
15 is not received within 21 days after the day on which it was
16 ordered, the court shall not file that action or appeal, and
17 shall return to the plaintiff all documents submitted by the
18 plaintiff that relate to that action or appeal.

19 (2) If, upon commencement of the civil action or the filing
20 of the appeal, the balance in the prisoner's institutional
21 account equals or exceeds the full amount of the filing fee
22 required by law, the court shall order the prisoner to pay that
23 amount.

24 (3) If, upon commencement of the civil action or the filing
25 of the appeal, the balance in the prisoner's institutional
26 account is less than the full amount of the filing fee required
27 by law, the court shall require the prisoner to pay an initial

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1 partial filing fee in an amount equal to 50% of the greater of
2 the following:

3 (a) The average monthly deposits to the prisoner's institu-
4 tional account for the 12 months preceding the date on which the
5 civil action is commenced or the appeal is filed.

6 (b) The average monthly balance in the prisoner's institu-
7 tional account for the 12 months preceding the date on which the
8 civil action is commenced or the appeal is filed.

9 (4) In determining the balance in a prisoner's institutional
10 account for purposes of subsection (2) or (3), the court shall
11 disregard amounts in the institutional account that are required
12 by law or by another court order to be paid for any other
13 purposes.

14 (5) In addition to an initial partial filing fee under sub-
15 section (3), the court shall order the prisoner to make monthly
16 payments in an amount equal to 50% of the deposits made to the
17 account. Payments under this subsection shall continue until the
18 full amount of the filing fee is paid. The collection of pay-
19 ments from the account, and their remittal by the department of
20 corrections, shall be conducted as provided in section 68 of ~~Act~~
21 ~~No. 232 of the Public Acts of 1953, being section 791.268 of the~~
22 ~~Michigan Compiled Laws~~ 1953 PA 232, MCL 791.268. If costs are
23 assessed against a prisoner, and if the balance of the prisoner's
24 institutional account is not sufficient to pay the full amount of
25 the costs assessed, the court shall order the prisoner to make
26 payments in the same manner required in this section for the
27 payment of filing fees, and the full amount of the costs shall be

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1 collected and paid in the manner provided in this subsection and
2 in section 68 of ~~Act No. 232 of the Public Acts of 1953~~ 1953
3 PA 232, MCL 791.268.

4 (6) The total amount collected from a prisoner under subsec-
5 tions (3) to (5) shall not exceed the full amount of the filing
6 fee and costs required by law.

7 (7) For purposes of this section, the fact of a prisoner's
8 incarceration cannot be the sole basis for a determination of
9 indigency. However, this section shall not prohibit a prisoner
10 from commencing a civil action or filing an appeal in a civil
11 action if the prisoner has no assets and no means by which to pay
12 the initial partial filing fee. If the court, pursuant to court
13 rule, waives or suspends the payment of fees and costs in an
14 action described in subsection (1) because the prisoner has no
15 assets and no means by which to pay the initial partial filing
16 fee, the court shall order the fees and costs to be paid by the
17 prisoner in the manner provided in this section when the reason
18 for the waiver or suspension no longer exists.

19 (8) A PRISONER WHO HAS FAILED TO PAY OUTSTANDING FEES AND
20 COSTS AS REQUIRED UNDER THIS SECTION SHALL NOT COMMENCE A NEW
21 CIVIL ACTION OR APPEAL UNTIL THE OUTSTANDING FEES AND COSTS HAVE
22 BEEN PAID.

23 (9) IF A PRISONER IS ORDERED BY A COURT TO MAKE MONTHLY PAY-
24 MENTS FOR THE PURPOSE OF PAYING THE BALANCE OF FILING FEES OR
25 COSTS UNDER THIS SECTION, THE AGENCY HAVING CUSTODY OF THE PRIS-
26 ONER SHALL REMOVE THOSE AMOUNTS FROM THE INSTITUTIONAL ACCOUNT OF
27 THE PRISONER SUBJECT TO THE ORDER AND, WHEN AN AMOUNT EQUAL TO

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1 THE BALANCE OF THE FILING FEES OR COSTS DUE IS REMOVED, REMIT
2 THAT AMOUNT AS DIRECTED IN THE ORDER.

3 CHAPTER 55 PRISONER LITIGATION REFORM

4 SEC. 5501. A CIVIL ACTION CONCERNING PRISON CONDITIONS
5 SHALL BE BROUGHT IN THE CIRCUIT COURT OR THE COURT OF CLAIMS, AS
6 APPROPRIATE.

7 SEC. 5503. (1) A PRISONER SHALL NOT FILE AN ACTION CONCERN-
8 ING PRISON CONDITIONS UNTIL THE PRISONER HAS EXHAUSTED ALL AVAIL-
9 ABLE ADMINISTRATIVE REMEDIES.

10 (2) THE COURT SHALL ON ITS OWN MOTION OR ON THE MOTION OF A
11 PARTY DISMISS AN ACTION CONCERNING PRISON CONDITIONS BROUGHT BY A
12 PRISONER AS TO 1 OR MORE DEFENDANTS IF THE COURT IS SATISFIED
13 THAT THE ACTION IS FRIVOLOUS OR SEEKS MONETARY RELIEF FROM A
14 DEFENDANT WHO IS IMMUNE FROM THE REQUESTED RELIEF.

15 (3) THE COURT SHALL NOT APPOINT COUNSEL PAID FOR IN WHOLE OR
16 IN PART AT TAXPAYER EXPENSE TO A PRISONER FOR THE PURPOSE OF
17 FILING A CIVIL ACTION CONCERNING PRISON CONDITIONS.

18 SEC. 5505. (1) SECTION 2963 APPLIES TO CIVIL ACTIONS CON-
19 CERNING PRISON CONDITIONS.

20 (2) THE COURT SHALL DISMISS A CASE AT ANY TIME, REGARDLESS
21 OF ANY FILING FEE THAT MAY HAVE BEEN PAID, IF THE COURT FINDS ANY
22 OF THE FOLLOWING:

23 (A) A PRISONER'S ALLEGATION OF INDIGENCY IS UNTRUE.

24 (B) THE ACTION OR APPEAL IS FRIVOLOUS.

25 (C) THE ACTION OR APPEAL SEEKS MONETARY RELIEF AGAINST A
26 DEFENDANT WHO IS IMMUNE FROM THE REQUESTED RELIEF.

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1 (D) A PRISONER FAILS TO COMPLY WITH SUBSECTION (1).

2 SEC. 5507. (1) A PRISONER SHALL NOT CLAIM INDIGENCY UNDER
3 SECTION 2963 IN A CIVIL ACTION CONCERNING PRISON CONDITIONS OR AN
4 APPEAL OF A JUDGMENT IN A CIVIL ACTION CONCERNING PRISON CONDI-
5 TIONS OR BE ALLOWED LEGAL REPRESENTATION BY AN ATTORNEY WHO IS
6 DIRECTLY OR INDIRECTLY COMPENSATED FOR HIS OR HER SERVICES IN
7 WHOLE OR IN PART BY STATE FUNDS IF THE PRISONER HAS, ON 3 OR MORE
8 PRIOR OCCASIONS, WHILE INCARCERATED OR DETAINED IN ANY PRISON,
9 BROUGHT AN ACTION OR APPEAL IN A COURT OF THIS STATE THAT WAS
10 DISMISSED ON THE GROUNDS THAT IT WAS FRIVOLOUS, UNLESS THE PRIS-
11 ONER HAS SUFFERED SERIOUS PHYSICAL INJURY OR IS UNDER IMMINENT
12 DANGER OF SUFFERING SERIOUS PHYSICAL INJURY OR HAS SUFFERED OR IS
13 UNDER IMMINENT DANGER OF SUFFERING CONDUCT PROHIBITED UNDER SEC-
14 TION 520B, 520C, 520D, 520E, OR 520G OF THE MICHIGAN PENAL CODE,
15 1931 PA 328, MCL 750.520B, 750.520C, 750.520D, 750.520E, AND
16 750.520G.

17 (2) A PRISONER WHO BRINGS A CIVIL ACTION OR APPEALS A JUDG-
18 MENT CONCERNING PRISON CONDITIONS SHALL, UPON COMMENCEMENT OF THE
19 ACTION OR INITIATION OF THE APPEAL, DISCLOSE THE NUMBER OF CIVIL
20 ACTIONS AND APPEALS THAT THE PRISONER HAS PREVIOUSLY INITIATED.

21 (3) THE COURT SHALL DISMISS A CIVIL ACTION OR APPEAL AT ANY
22 TIME, REGARDLESS OF ANY FILING FEE THAT MAY HAVE BEEN PAID, IF
23 THE COURT FINDS ANY OF THE FOLLOWING:

24 (A) THE PRISONER'S CLAIM OF INJURY OR OF IMMINENT DANGER
25 UNDER SUBSECTION (1) IS FALSE.

26 (B) THE PRISONER FAILS TO COMPLY WITH THE DISCLOSURE
27 REQUIREMENTS OF SUBSECTION (2).

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1 SEC. 5509. (1) THE COURT SHALL REVIEW AS SOON AS
2 PRACTICABLE A COMPLAINT IN A CIVIL ACTION IN WHICH A PRISONER
3 SEEKS REDRESS FROM A GOVERNMENTAL ENTITY OR OFFICER OR EMPLOYEE
4 OF A GOVERNMENTAL ENTITY.

5 (2) ON REVIEW, THE COURT SHALL DISMISS THE COMPLAINT OR A
6 PORTION OF THE COMPLAINT IF THE COURT FINDS EITHER OF THE
7 FOLLOWING:

8 (A) THE COMPLAINT OR A PORTION OF THE COMPLAINT IS
9 FRIVOLOUS.

10 (B) THE COMPLAINT SEEKS MONETARY RELIEF FROM A DEFENDANT WHO
11 IS IMMUNE FROM THE REQUESTED RELIEF.

12 (3) A DEFENDANT MAY WAIVE THE RIGHT TO REPLY TO AN ACTION
13 BROUGHT BY A PRISONER. NOTWITHSTANDING ANY OTHER LAW OR RULE OF
14 PROCEDURE, A WAIVER UNDER THIS SUBSECTION DOES NOT CONSTITUTE AN
15 ADMISSION OF THE ALLEGATIONS CONTAINED IN THE COMPLAINT. RELIEF
16 SHALL NOT BE GRANTED TO THE PLAINTIFF UNLESS A REPLY HAS BEEN
17 FILED.

18 (4) THE COURT MAY REQUIRE A DEFENDANT TO REPLY TO A COM-
19 PLAIN IN A CIVIL ACTION CONCERNING PRISON CONDITIONS IF IT FINDS
20 THAT THE PLAINTIFF IS LIKELY TO PREVAIL ON THE MERITS.

21 (5) IF, AFTER REVIEWING THE COMPLAINT, THE COURT DOES NOT
22 DISMISS THE COMPLAINT UNDER THIS SECTION, THE COURT SHALL INDI-
23 CATE IN THE RECORD THE REASONS FOR THAT DECISION.

24 SEC. 5511. (1) A PERSON SHALL NOT BRING AN ACTION AGAINST
25 THIS STATE OR A SUBDIVISION OF THIS STATE, OR AN OFFICIAL,
26 EMPLOYEE, OR AGENT OF THIS STATE OR A SUBDIVISION OF THIS STATE,
27 FOR MENTAL OR EMOTIONAL INJURY SUFFERED WHILE IN CUSTODY WITHOUT

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1 A SHOWING OF PHYSICAL INJURY ARISING OUT OF THE INCIDENT GIVING
2 RISE TO THE MENTAL OR EMOTIONAL INJURY.

3 (2) SUBJECT TO SECTION 220H OF 1953 PA 232, MCL 791.220H,
4 AND THE CRIME VICTIM'S RIGHTS ACT, 1985 PA 87, MCL 780.751 TO
5 780.834, ANY DAMAGES AWARDED TO A PRISONER IN CONNECTION WITH A
6 CIVIL ACTION BROUGHT AGAINST A PRISON OR AGAINST AN OFFICIAL,
7 EMPLOYEE, OR AGENT OF A PRISON SHALL BE PAID DIRECTLY TO SATISFY
8 ANY OUTSTANDING RESTITUTION ORDERS PENDING AGAINST THE PRISONER,
9 INCLUDING, BUT NOT LIMITED TO, RESTITUTION ORDERS ISSUED UNDER
10 THE STATE CORRECTIONAL FACILITY REIMBURSEMENT ACT, 1935 PA 253,
11 MCL 800.401 TO 800.406, THE PRISONER REIMBURSEMENT TO THE COUNTY
12 ACT, 1984 PA 118, MCL 801.81 TO 801.93, 1982 PA 14, MCL 801.301,
13 AND THE CRIME VICTIM'S RIGHTS ACT, 1985 PA 87, MCL 780.751 TO
14 780.834, ANY OUTSTANDING COSTS AND FEES, AND ANY OTHER DEBT OR
15 ASSESSMENT OWED TO THE JURISDICTION HOUSING THE PRISONER. THE
16 REMAINDER OF THE AWARD AFTER FULL PAYMENT OF ALL PENDING RESTITU-
17 TION ORDERS, COSTS, AND FEES SHALL BE FORWARDED TO THE PRISONER.

18 (3) BEFORE PAYMENT OF ANY DAMAGES AWARDED TO A PRISONER IN
19 CONNECTION WITH A CIVIL ACTION DESCRIBED IN SUBSECTION (2), THE
20 COURT AWARDING THE DAMAGES SHALL MAKE REASONABLE EFFORTS TO
21 NOTIFY THE VICTIMS OF THE CRIME FOR WHICH THE PRISONER WAS CON-
22 VICTED AND INCARCERATED CONCERNING THE PENDING PAYMENT OF
23 DAMAGES.

24 SEC. 5513. IN A CIVIL ACTION BROUGHT BY A PRISONER, THE
25 COURT MAY ORDER THE REVOCATION OF A PRISONER'S GOOD TIME CREDIT,
26 DISCIPLINARY CREDIT, OR BOTH, IF, ON ITS OWN MOTION OR THE MOTION
27 OF A PARTY, THE COURT FINDS THAT THE PRISONER FILED AN ACTION

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1 PROHIBITED UNDER SECTION 5503 OR 5505 AND 1 OF THE FOLLOWING

2 APPLIES:

3 (A) THE CLAIM WAS FILED FOR A MALICIOUS PURPOSE.

4 (B) THE CLAIM WAS FILED SOLELY TO HARASS THE PARTY AGAINST
5 WHOM IT WAS FILED.

6 (C) THE PRISONER TESTIFIED FALSELY OR OTHERWISE KNOWINGLY
7 PRESENTS FALSE EVIDENCE OR INFORMATION TO THE COURT.

8 SEC. 5515. (1) TO THE EXTENT PRACTICABLE, IN AN ACTION
9 BROUGHT BY A PRISONER, PRETRIAL PROCEEDINGS IN WHICH THE
10 PRISONER'S PARTICIPATION IS REQUIRED OR PERMITTED SHALL BE CON-
11 DUCTED BY TELEPHONE, VIDEO CONFERENCE, OR OTHER TELECOMMUNICA-
12 TIONS TECHNOLOGY WITHOUT REMOVING THE PRISONER FROM THE PRISON IN
13 WHICH THE PRISONER IS CONFINED.

14 (2) SUBJECT TO THE AGREEMENT OF THE OFFICIAL OF THE STATE OR
15 LOCAL UNIT OF GOVERNMENT WITH CUSTODY OVER THE PRISONER, HEARINGS
16 MAY BE CONDUCTED AT THE PRISON IN WHICH THE PRISONER IS
17 CONFINED. TO THE EXTENT PRACTICABLE, THE COURT SHALL ALLOW COUN-
18 SEL TO PARTICIPATE BY TELEPHONE, VIDEO CONFERENCE, OR OTHER COM-
19 MUNICATIONS TECHNOLOGY IN A HEARING HELD AT THE PRISON.

20 SEC. 5517. (1) THE COURT SHALL NOT GRANT OR APPROVE ANY
21 PROSPECTIVE RELIEF IN A CIVIL ACTION CONCERNING PRISON CONDITIONS
22 UNLESS THE COURT FINDS THAT THE RELIEF IS NARROWLY DRAWN, EXTENDS
23 NO FURTHER THAN NECESSARY TO CORRECT THE VIOLATION OF THE RIGHT,
24 AND IS THE LEAST INTRUSIVE MEANS NECESSARY TO CORRECT THE VIOLA-
25 TION OF THE RIGHT. THE COURT SHALL GIVE SUBSTANTIAL WEIGHT TO
26 ANY ADVERSE EFFECT ON PUBLIC SAFETY OR THE OPERATION OF THE
27 CRIMINAL JUSTICE SYSTEM CAUSED BY THE RELIEF.

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1 (2) A COURT SHALL NOT ORDER PROSPECTIVE RELIEF THAT REQUIRES
2 OR PERMITS A GOVERNMENT OFFICIAL TO EXCEED HIS OR HER AUTHORITY
3 UNDER STATE OR LOCAL LAW OR OTHERWISE VIOLATES LOCAL LAW, UNLESS
4 ALL OF THE FOLLOWING CONDITIONS EXIST:

5 (A) STATE LAW PERMITS THE RELIEF TO BE ORDERED IN VIOLATION
6 OF LOCAL LAW.

7 (B) THE RELIEF IS NECESSARY TO CORRECT THE VIOLATION OF A
8 RIGHT UNDER STATE OR LOCAL LAW.

9 (C) NO OTHER RELIEF WILL CORRECT THE VIOLATION OF THE
10 RIGHT.

11 (3) THIS SECTION DOES NOT AUTHORIZE A COURT, IN EXERCISING
12 ITS REMEDIAL POWERS, TO ORDER THE CONSTRUCTION OF PRISONS OR THE
13 RAISING OF TAXES, OR TO REPEAL OR DETRACT FROM OTHERWISE APPLICA-
14 BLE LIMITATIONS ON THE REMEDIAL POWERS OF THE COURT.

15 SEC. 5519. THE COURT MAY ENTER A TEMPORARY RESTRAINING
16 ORDER OR AN ORDER FOR PRELIMINARY INJUNCTIVE RELIEF IN A CIVIL
17 ACTION CONCERNING PRISON CONDITIONS TO THE EXTENT OTHERWISE
18 AUTHORIZED BY LAW. PRELIMINARY INJUNCTIVE RELIEF SHALL BE NAR-
19 ROWLY DRAWN, EXTEND NO FURTHER THAN NECESSARY TO CORRECT THE HARM
20 THE COURT FINDS REQUIRES PRELIMINARY RELIEF, AND BE THE LEAST
21 INTRUSIVE MEANS NECESSARY TO CORRECT THAT HARM. THE COURT SHALL
22 GIVE SUBSTANTIAL WEIGHT TO ANY ADVERSE EFFECT ON PUBLIC SAFETY OR
23 THE OPERATION OF THE CRIMINAL JUSTICE SYSTEM CAUSED BY THE PRE-
24 LIMINARY RELIEF IN TAILORING THE PRELIMINARY RELIEF. PRELIMINARY
25 INJUNCTIVE RELIEF SHALL AUTOMATICALLY EXPIRE 90 DAYS AFTER THE
26 PRELIMINARY INJUNCTIVE ORDER IS ENTERED, UNLESS THE COURT MAKES
27 THE FINDINGS REQUIRED UNDER SECTION 5517(1) FOR THE ENTRY OF

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1 PROSPECTIVE RELIEF AND MAKES THE ORDER FINAL BEFORE THE
2 EXPIRATION OF THE 90-DAY PERIOD.

3 SEC. 5521. (1) EXCEPT AS PROVIDED IN SECTIONS 5519 AND
4 5523, PROSPECTIVE RELIEF ORDERED IN A CIVIL ACTION CONCERNING
5 PRISON CONDITIONS SHALL BE TERMINABLE UPON THE MOTION OF A PARTY
6 OR INTERVENOR AS FOLLOWS:

7 (A) TWO YEARS AFTER THE DATE THE COURT GRANTED OR APPROVED
8 THE PROSPECTIVE RELIEF.

9 (B) ONE YEAR AFTER THE DATE THE COURT ENTERED AN ORDER DENY-
10 ING TERMINATION OF PROSPECTIVE RELIEF.

11 (C) IN THE CASE OF AN ORDER ISSUED ON OR BEFORE THE DATE THE
12 AMENDATORY ACT THAT ADDED THIS CHAPTER IS ENACTED INTO LAW, 2
13 YEARS AFTER THAT DATE OF ENACTMENT.

14 (2) THIS SECTION DOES NOT PREVENT THE PARTIES FROM AGREEING
15 TO TERMINATE OR MODIFY RELIEF BEFORE THE RELIEF IS TERMINATED
16 UNDER SUBSECTION (1).

17 SEC. 5523. (1) A DEFENDANT OR INTERVENOR IS ENTITLED TO THE
18 IMMEDIATE TERMINATION OF A PROSPECTIVE RELIEF ORDERED IN A CIVIL
19 ACTION CONCERNING PRISON CONDITIONS IF THE RELIEF WAS ORDERED IN
20 THE ABSENCE OF A FINDING BY THE COURT THAT THE RELIEF IS NARROWLY
21 DRAWN, EXTENDS NO FURTHER THAN NECESSARY TO CORRECT THE VIOLATION
22 OF THE STATE RIGHT, AND IS THE LEAST INTRUSIVE MEANS NECESSARY TO
23 CORRECT THE VIOLATION OF A RIGHT UNDER STATE OR LOCAL LAW.

24 (2) PROSPECTIVE RELIEF SHALL NOT TERMINATE IF THE COURT
25 MAKES WRITTEN FINDINGS BASED ON THE RECORD THAT PROSPECTIVE
26 RELIEF REMAINS NECESSARY TO CORRECT A CURRENT OR ONGOING
27 VIOLATION OF THE RIGHT, EXTENDS NO FURTHER THAN NECESSARY TO

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1 CORRECT THE VIOLATION OF THE RIGHT, AND IS NARROWLY DRAWN AND THE
2 LEAST INTRUSIVE MEANS TO CORRECT THE VIOLATION.

3 (3) A PARTY SHALL NOT SEEK MODIFICATION OR TERMINATION
4 BEFORE THE RELIEF IS TERMINABLE UNDER SECTION 5521 TO THE EXTENT
5 THAT MODIFICATION OR TERMINATION WOULD OTHERWISE BE LEGALLY
6 PERMISSIBLE.

7 SEC. 5525. IN A CIVIL ACTION CONCERNING PRISON CONDITIONS,
8 THE COURT SHALL NOT ENTER OR APPROVE A CONSENT DECREE UNLESS IT
9 COMPLIES WITH THE LIMITATIONS ON RELIEF SET FORTH IN SECTIONS
10 5517 AND 5519.

11 SEC. 5527. (1) THE COURT SHALL PROMPTLY RULE ON A MOTION TO
12 MODIFY OR TERMINATE PROSPECTIVE RELIEF IN A CIVIL ACTION CONCERN-
13 ING PRISON CONDITIONS.

14 (2) ANY PROSPECTIVE RELIEF SUBJECT TO A PENDING MOTION SHALL
15 BE AUTOMATICALLY STAYED DURING 1 OF THE FOLLOWING PERIODS:

16 (A) BEGINNING ON THE THIRTIETH DAY AFTER THE MOTION IS
17 FILED, IN THE CASE OF A MOTION MADE UNDER SECTION 5521 OR 5523,
18 AND ENDING ON THE DATE THE COURT ENTERS A FINAL ORDER RULING ON
19 THE MOTION.

20 (B) BEGINNING ON THE ONE HUNDRED EIGHTIETH DAY AFTER THE
21 MOTION IS FILED, IN THE CASE OF A MOTION MADE UNDER ANY OTHER
22 LAW, AND ENDING ON THE DATE THE COURT ENTERS A FINAL ORDER RULING
23 ON THE MOTION.

24 (3) THE COURT MAY POSTPONE THE EFFECTIVE DATE OF AN AUTO-
25 MATIC STAY SPECIFIED IN SUBSECTION (2) FOR GOOD CAUSE FOR NOT
26 MORE THAN 60 DAYS. AS USED IN THIS SUBSECTION, "GOOD CAUSE" DOES
27 NOT INCLUDE THE CONGESTION OF THE COURT'S CALENDAR.

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1 (4) AN ORDER STAYING, SUSPENDING, DELAYING, OR BARRING THE
2 OPERATION OF AN AUTOMATIC STAY DESCRIBED IN SUBSECTION (2), OTHER
3 THAN AN ORDER TO POSTPONE THE EFFECTIVE DATE OF THE AUTOMATIC
4 STAY UNDER SUBSECTION (3), SHALL BE TREATED AS AN ORDER DENYING
5 THE DISSOLUTION OF OR MODIFICATION OF AN INJUNCTION AND MAY BE
6 APPEALED AS OF RIGHT REGARDLESS OF HOW THE ORDER IS STYLED OR
7 WHETHER THE ORDER IS TERMED A PRELIMINARY OR FINAL RULING.

8 SEC. 5529. (1) THE STATE COURT ADMINISTRATIVE OFFICE SHALL
9 COMPILE AND MAINTAIN A LIST OF THE CIVIL ACTIONS CONCERNING
10 PRISON CONDITIONS BROUGHT BY A PRISONER THAT ARE DISMISSED AS
11 FRIVOLOUS. THE LIST SHALL INCLUDE AN ACCOUNT OF THE AMOUNT OF
12 UNPAID FEES AND COSTS ASSOCIATED WITH EACH DISMISSED CASE. THE
13 LIST SHALL BE MADE AVAILABLE TO THE COURTS OF THIS STATE FOR THE
14 PURPOSE OF ASCERTAINING THE EXISTENCE AND NUMBER OF CIVIL ACTIONS
15 CONCERNING PRISON CONDITIONS FILED BY EACH PRISONER, AND ANY
16 ASSOCIATED UNPAID FEES AND COSTS, FOR THE PURPOSES DESCRIBED IN
17 THIS CHAPTER.

18 (2) A COURT IN WHICH A CIVIL ACTION CONCERNING PRISON CONDI-
19 TIONS IS BROUGHT SHALL REFER TO THE LIST DESCRIBED IN SUBSECTION
20 (1) TO DETERMINE THE NUMBER AND EXISTENCE OF CIVIL ACTIONS CON-
21 CERNING PRISON CONDITIONS PREVIOUSLY FILED BY A PRISONER AND ANY
22 ASSOCIATED UNPAID FEES AND COSTS.

23 SEC. 5531. AS USED IN THIS CHAPTER:

24 (A) "CIVIL ACTION CONCERNING PRISON CONDITIONS" MEANS ANY
25 CIVIL PROCEEDING SEEKING DAMAGES OR EQUITABLE RELIEF ARISING WITH
26 RESPECT TO ANY CONDITIONS OF CONFINEMENT OR THE EFFECTS OF AN ACT
27 OR OMISSION OF GOVERNMENT OFFICIALS, EMPLOYEES, OR AGENTS IN THE

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1 PERFORMANCE OF THEIR DUTIES, BUT DOES NOT INCLUDE PROCEEDINGS
2 CHALLENGING THE FACT OR DURATION OF CONFINEMENT IN PRISON, OR
3 PAROLE APPEALS OR MAJOR MISCONDUCT APPEALS UNDER SECTION 34 OR
4 SECTION 55 OF 1953 PA 232, MCL 791.234 AND 791.255.

5 (B) "CONSENT DECREE" MEANS ANY RELIEF ENTERED BY THE COURT
6 THAT IS BASED IN WHOLE OR IN PART UPON THE CONSENT OR ACQUIES-
7 CENCE OF THE PARTIES BUT DOES NOT INCLUDE PRIVATE SETTLEMENTS.

8 (C) "FRIVOLOUS" MEANS THAT TERM AS DEFINED IN SECTION 2591
9 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,
10 MCL 600.2591.

11 (D) "PRISON" MEANS A FACILITY THAT INCARCERATES OR DETAINS
12 JUVENILES OR ADULTS ACCUSED OF, CONVICTED OF, SENTENCED FOR, OR
13 ADJUDICATED DELINQUENT FOR, VIOLATIONS OF STATE OR LOCAL LAW.

14 (E) "PRISONER" MEANS A PERSON SUBJECT TO INCARCERATION,
15 DETENTION, OR ADMISSION TO A PRISON WHO IS ACCUSED OF, CONVICTED
16 OF, SENTENCED FOR, OR ADJUDICATED DELINQUENT FOR VIOLATIONS OF
17 STATE OR LOCAL LAW OR THE TERMS AND CONDITIONS OF PAROLE, PROBA-
18 TION, PRETRIAL RELEASE, OR A DIVERSIONARY PROGRAM.

19 (F) "PRIVATE SETTLEMENT AGREEMENT" MEANS AN AGREEMENT
20 ENTERED INTO AMONG THE PARTIES THAT IS NOT SUBJECT TO JUDICIAL
21 ENFORCEMENT OTHER THAN THE REINSTATEMENT OF THE CIVIL PROCEEDING
22 THAT THE AGREEMENT SETTLED.

23 (G) "PROSPECTIVE RELIEF" MEANS ALL RELIEF OTHER THAN MONE-
24 TARY DAMAGES.

25 (H) "RELIEF" MEANS ALL RELIEF IN ANY FORM THAT MAY BE
26 GRANTED OR APPROVED BY THE COURT, AND INCLUDES CONSENT DECREES
27 BUT DOES NOT INCLUDE PRIVATE SETTLEMENT AGREEMENTS.

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1 Enacting section 1. This amendatory act does not take
2 effect unless Senate Bill No. 500 of the 90th Legislature is
3 enacted into law.