



**Senate Fiscal Agency**  
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BILL  ANALYSIS

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**Telephone: (517) 373-5383**  
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Senate Bills 1214 and 1215 (as introduced 11-12-96)  
Sponsor: George A. McManus, Jr. (Senate Bill 1214)  
William Van Regenmorter (Senate Bill 1215)  
Committee: Judiciary

Date Completed: 11-14-96

### **CONTENT**

**Senate Bills 1214 and 1215 would amend the Department of Corrections law and the Revised Judicature Act (RJA), respectively, to provide for the payment of a prisoner's civil filing fees from his or her institutional account, and to require that an order of parole contain a condition that the parolee pay the balance of filing fees owed. The bills are tie-barred.**

#### **Senate Bill 1214**

If a prisoner were ordered by a court to make monthly payments for the purpose of paying the balance of filing fees or costs under Section 2963 of the RJA (which Senate Bill 1215 would add), the Department of Corrections (DOC) would have to remove those amounts from the prisoner's institutional account and, when an amount equal to the balance of the filing fees or costs due was removed, remit that amount as directed in the order.

An order of parole would have to contain a condition requiring the parolee to pay the following amounts owed by the prisoner, if applicable:

- The balance of filing fees and costs ordered to be paid under Section 2963 of the RJA.
- The balance of any filing fee ordered to be paid by a Federal court and any unpaid order of costs assessed against the prisoner.

#### **Senate Bill 1215**

If a prisoner under the jurisdiction of the DOC commenced a civil action as plaintiff in a court of this State or filed an appeal in a civil action in a court of this State, 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 in the account and a six-month history of deposits and withdrawals for the account. The court then would have to order the prisoner to pay fees and costs as provided in the bill, notwithstanding any claim of indigency by the prisoner.

If, upon commencement of the civil action or the filing of the appeal, 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 in an amount equal to 20% of the greater of the following:

- The average monthly deposits to the prisoner's institutional account for the six months preceding the date on which the civil action was commenced or the appeal was filed.
- The average monthly balance in the account for that six-month period.

In addition to the initial partial filing fee, the court would have to order the prisoner to make monthly payments in an amount equal to 20% of the deposits made to the account. These payments would have to continue until the full amount of the filing fee was paid. The collection of payments from the account, and their remittal by the DOC, would have to be conducted as provided in Senate Bill 1214. If costs were assessed against a prisoner, and if the balance of his or her institutional account were not sufficient to pay the full amount of the costs assessed, the court would have to order the prisoner to make payments in the same manner required in Senate Bill 1215 for the payment of filing fees, and the full amount of the costs would have to be collected and paid as provided in both bills.

The total amount collected from a prisoner under these provisions could not exceed the full amount of the filing fee and costs required by law.

The bill specifies 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.

MCL 791.236 et al. (S.B. 1214)  
Proposed MCL 600.2963 (S.B. 1215)

Legislative Analyst: S. Margules

### **FISCAL IMPACT**

The fiscal impact on State government is indeterminate. The provisions outlined in the bills could increase filing fee revenues depending on the number of prisoners who commenced a civil action and the assets of the prisoners. The amounts are not expected to be significant.

In 1995, prisoners filed a total of 1,854 cases in State and Federal courts. However, given that prisoners also are required to pay supervision fees, crime victims rights fees, and other assessments, on average, prisoner accounts do not have significant account balances to cover additional fees for court filings. The current cost for filing a civil action is \$90. To the extent that charging prisoners the filing fees would reduce the number of cases filed, savings also could accrue to the State. Finally, the new administrative responsibilities required by the Department of Corrections for managing payment from prisoner accounts could increase departmental operating expenditures, the exact amount of which is presently not known.

Fiscal Analyst: M. Ortiz  
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.