



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bills 4989 and 4990 (as passed by the House)
Sponsor: Representative Beverly Bodem
House Committee: Judiciary and Civil Rights
Senate Committee: Judiciary

Date Completed: 11-26-96

CONTENT

House Bills 4989 and 4990 would amend the Revised Judicature Act (RJA) and the Department of Corrections law, respectively, to provide for the payment of a prisoner's civil filing fees and court costs from his or her institutional account. The bills are tie-barred.

House Bill 4989

If a prisoner under the jurisdiction of the Department of Corrections commenced a civil action as plaintiff in a court of this State, the court would have to order the prisoner to pay, from his or her institutional account, filing fees and court costs as provided in the bill. The court would have to order the payments required by the bill notwithstanding any claim of indigency by the prisoner.

Upon commencement of the civil action, the court would have to order the prisoner to pay one of the following amounts:

- The full amount of the filing fee, if the balance in the prisoner's institutional account equaled or exceeded the filing fee required by law.
- An amount equal to one-half of the average monthly deposits made to the prisoner's institutional account for the six months preceding the date on which the civil action was commenced, but not more than the filing fee required by law, if the balance in the prisoner's account were less than the amount of the filing fee.

In determining the balance in a prisoner's institutional account for these purposes, however, the court would have to disregard amounts in the institutional account that were required by law or by another court order to be paid for any other purposes.

If a prisoner failed to pay the amount determined above within 21 days after being ordered by the court to pay the amount, the court would have to dismiss the civil action.

Upon the conclusion of the civil action, the court would have to order the prisoner to pay the court costs allowed by law, or the amount in the prisoner's account, whichever was less. If a balance of court costs remained unpaid, the court would have to order that one-half of all deposits subsequently made to the account be applied toward the payment of the costs until they were paid in full. As used in the bill, "court costs" would not include attorney fees.

House Bill 4990

If a prisoner were ordered by a court to pay court costs at the conclusion of a civil action under Section 2963 of the Revised Judicature Act (which House Bill 4989 would add), the Department of Corrections would have to comply with the order by paying those amounts from the prisoner's institutional account.

Proposed MCL 600.2957 (H.B. 4989)
791.268 (H.B. 4990)

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
M. Hansen

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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.