



HOUSE BILL No. 4989

June 16, 1995, Introduced by Reps. Bodem, McNutt, Brackenridge, McBryde, Nye, Walberg, McManus, Dalman, Horton, Kukuk, London and Jaye and referred to the Committee on Judiciary and Civil Rights.

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 600.9947 of the Michigan Compiled Laws, by adding section 2957.

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 600.9947 of the Michigan
3 Compiled Laws, is amended by adding section 2957 to read as
4 follows:

5 SEC. 2957. (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, THE COURT SHALL ORDER THE PRISONER TO
8 PAY, FROM HIS OR HER INSTITUTIONAL ACCOUNT, FILING FEES AND COURT
9 COSTS AS PROVIDED IN THIS SECTION. THE COURT SHALL ORDER THE

1 PAYMENTS REQUIRED BY THIS SECTION NOTWITHSTANDING ANY CLAIM OF
2 INDIGENCY BY THE PRISONER.

3 (2) UPON COMMENCEMENT OF THE CIVIL ACTION, THE COURT SHALL
4 ORDER THE PRISONER TO PAY 1 OF THE FOLLOWING AMOUNTS:

5 (A) IF THE BALANCE IN THE PRISONER'S INSTITUTIONAL ACCOUNT
6 EQUALS OR EXCEEDS THE FILING FEE REQUIRED BY LAW, THE COURT SHALL
7 ORDER THE PRISONER TO PAY THE FULL AMOUNT OF THE FILING FEE.

8 (B) IF THE BALANCE IN THE PRISONER'S INSTITUTIONAL ACCOUNT
9 IS LESS THAN THE AMOUNT OF THE FILING FEE REQUIRED BY LAW, THE
10 COURT SHALL REQUIRE THE PRISONER TO PAY AN AMOUNT EQUAL TO 1/2 OF
11 THE AVERAGE MONTHLY DEPOSITS MADE TO THE PRISONER'S INSTITUTIONAL
12 ACCOUNT FOR THE 6 MONTHS PRECEDING THE DATE ON WHICH THE CIVIL
13 ACTION IS COMMENCED, BUT NOT MORE THAN THE FILING FEE REQUIRED BY
14 LAW.

15 (3) IF A PRISONER FAILS TO PAY THE AMOUNT DETERMINED UNDER
16 SUBSECTION (2)(A) OR (B) WITHIN 21 DAYS AFTER BEING ORDERED BY
17 THE COURT TO PAY THAT AMOUNT, THE COURT SHALL DISMISS THE CIVIL
18 ACTION.

19 (4) UPON CONCLUSION OF THE CIVIL ACTION, THE COURT SHALL
20 ORDER THE PRISONER TO PAY THE COURT COSTS ALLOWED BY LAW, OR THE
21 AMOUNT IN THE PRISONER'S INSTITUTIONAL ACCOUNT, WHICHEVER IS
22 LESS. IF A BALANCE OF COURT COSTS REMAINS UNPAID, THE COURT
23 SHALL ORDER THAT 1/2 OF ALL DEPOSITS SUBSEQUENTLY MADE TO THE
24 PRISONER'S INSTITUTIONAL ACCOUNT BE APPLIED TOWARD THE PAYMENT OF
25 COURT COSTS UNTIL THE COURT COSTS ARE PAID IN FULL.

26 (5) AS USED IN THIS SECTION, "COURT COSTS" DOES NOT INCLUDE
27 ATTORNEY FEES.

1 Section 2. This amendatory act shall not take effect unless
2 Senate Bill No. _____ or House Bill No. 4990 (request
3 no. 01959'95 a) of the 88th Legislature is enacted into law.