

Legislative Analysis



REPEAL: PRISONER LITIGATION LIST

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House Bill 5216 (reported from committee w/o amendment)

Sponsor: Rep. Klint Kesto

Committee: Law and Justice

Complete to 12-7-17

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 54 of 2018)

BRIEF SUMMARY: House Bill 5216 would amend the Revised Judicature Act by repealing Section 5529, which requires the State Court Administrative Office (SCAO) to compile and maintain a list of actions brought by prisoners that were dismissed by the court as frivolous. The bill would take effect 90 days after its enactment.

MCL 600.5529

FISCAL IMPACT: House Bill 5216 would have no fiscal impact on the state or on local units of government. According to SCAO, since the statute was enacted in 1999, there have been a total of 23 civil actions dismissed, with a total of \$3,950 in unpaid fees and costs. Of the \$3,950, \$2,000 was from one action. In the rare instances of a judge contacting SCAO to see if he or she had a repeat filer, there has never been a match. There would be no cost savings as SCAO spends very little time or money on this.

THE APPARENT PROBLEM:

Section 5529, enacted in 1999, currently requires SCAO to compile and maintain a list of civil actions brought by prisoners regarding prison conditions that were dismissed by the court as frivolous. The list must include the unpaid fees and costs associated with each case. The list is to be made available to courts in this state for purposes of identifying repeat filers and collecting the unpaid fees and costs.

According to committee testimony, the original intent of Section 5529 was to track the number of frivolous lawsuits that Michigan prisoners file, in order to determine which prisoners were continually filing frivolous suits. However, because of advancing technology, SCAO can easily run a check in online court documents. This eliminates the need for reporting to SCAO and for compiling a list of frivolous lawsuits. Because the statute is now outdated in practice, legislation has been introduced to repeal it.

ARGUMENTS:

For:

Supporters of the bill argue that because technology advances have enabled SCAO to run a check online for frivolous lawsuits filed by prisoners, the law requiring the reporting and compilation of frivolous lawsuits is outdated. As such, repealing the section will have no substantive impact on current practice, nor will it interfere with a prisoner's ability to file a lawsuit.

Against:

No arguments were presented against the bill.

POSITIONS:

A representative from SCAO testified in support of the bill. (11-28-17)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.