



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 5216 (as reported without amendment)
Sponsor: Representative Klint Kesto
House Committee: Law and Justice
Senate Committee: Judiciary

CONTENT

The bill would repeal Section 5529 of the Revised Judicature Act, which requires the State Court Administrative Office (SCAO) to compile and maintain a list of civil actions concerning prison conditions brought by a prisoner that are dismissed as frivolous. ("Frivolous" means at least one of the following conditions is met: a) the party's primary purpose in initiating the action or asserting the defense was to harass, embarrass, or injure the prevailing party; b) the party had no reasonable basis to believe that the facts underlying that party's legal position were in fact true; or c) the party's legal position was devoid of arguable legal merit.)

The list must include the amount of unpaid fees and costs associated with each dismissed case. The list must be made available to the courts of the State to determine the existence and number of civil actions concerning prison conditions filed by each prisoner, and any associated unpaid fees and costs, for the purposes described in Chapter 55 (Prisoner Litigation Reform). A court in which a civil action concerning prison conditions is brought must refer to the list to determine the number and existence of civil actions previously filed by a prisoner and any associated unpaid fees and costs.

The bill would repeal Section 5529, effective 90 days after the bill's enactment.

MCL 600.5529

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 1-31-18

Fiscal Analyst: Michael Siracuse