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BILL ANALYSIS



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House Bill 5216 (as passed by the House)
Sponsor: Representative Klint Kesto
House Committee: Law and Justice
Senate Committee: Judiciary

Date Completed: 1-29-18

CONTENT

The bill would repeal a section of Chapter 55 (Prisoner Litigation Reform) of the Revised Judicature Act that 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.

Chapter 55 governs civil actions concerning prison conditions filed by prisoners. Among other things, Chapter 55 requires a prisoner to exhaust administrative remedies before filing such an action in the circuit court or court of claims, and prescribes limitations on relief in such suits. ("Civil action concerning prison conditions" means any civil proceeding seeking damages or equitable relief arising with respect to any conditions of confinement or the effects of an act or omission of government officials, employees, or agents in the performance of their duties, but does not include proceedings challenging the fact or duration of confinement in prison, or parole appeals or major misconduct appeals.)

Section 5529 of the Act requires the SCAO to compile and maintain a list of the 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. 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.

Fiscal Analyst: Michael Siracuse

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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.