

GREEN SHEET REDIGEST

HB 199

2025 Regular Session

Edmonston

CORRECTIONS/PRISONERS: Provides relative to proceedings in forma pauperis for prisoners

DIGEST

Present law (R.S. 15:1186) provides for in forma pauperis proceedings for prisoners.

Proposed law retains present law.

Proposed law provides that if the prisoner was incarcerated for less than six months at the time of his application to proceed in forma pauperis, his account shall be limited to the period of incarceration.

Present law (R.S. 15:1186(A)(2)) provides that if a prisoner brings a civil action or files an appeal or writ application in forma pauperis as authorized by present law, the prisoner shall still be required to pay the full amount of a filing fee.

Present law further provides that the court shall assess and, when funds exist, collect, as a partial payment of any court fees required by law, an initial partial filing fee of 20% of the greater of the average monthly deposits to the prisoner's account, or the average monthly balance in the prisoner's account for the six-month period immediately preceding the filing of the petition, notice of appeal, or writ application.

Proposed law retains present law but specifies that the partial filing fees are based on a trust account or institutional equivalent.

Proposed law provides that for partial filing fees based on a prisoner's present assets, the fee shall be determined based on the fee schedule in C.C.P. Art. 5181.

Proposed law provides that a prisoner who is no longer incarcerated in any prison at the time of his application to proceed in forma pauperis shall submit an affidavit of the prisoner's present assets and any supporting documentation pursuant to C.C.P. Art. 5183(A)(1).

Present law (R.S. 15:1186(B)) provides for payment of filing fees by prisoners, providing that after payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20% of the preceding month's income credited to the prisoner's account.

Proposed law retains present law.

Present law provides that the agency having custody of the prisoner shall forward payments from the prisoner's account to the clerk of the court each time the amount in the account exceeds \$10 until the filing fees are paid, and that in no event shall the filing fee collected exceed the amount of fees permitted by statute.

Proposed law removes present law, but retains that in no event shall the filing fee collected exceed the amount of fees permitted by law.

Proposed law provides that if the prisoner is incarcerated in a prison, the order granting pauper status shall direct the agency having custody of the prisoner to forward payments from the prisoner's account to the clerk of court each time the amount in the account exceeds \$10 until the filing fees are paid.

Proposed law provides that if the prisoner is not incarcerated, the prisoner shall forward the payments to the clerk of court whenever the amount in his possession exceeds \$10 until the filing fees are paid.

Present law (R.S. 15:1188) provides for judicial screening and service of process.

Proposed law retains present law and amends a cross-reference.

(Amends R.S. 15:1186(A) and (B)(1) and 1188(B)(2))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Make technical changes.
2. Provide that a prisoner who is no longer incarcerated at the time of his application to proceed in forma pauperis is required to submit an affidavit of the prisoner's present assets and any supporting documentation.
3. Specify the requirements for partial filing fees based on a trust account or institutional equivalent.
4. Specify the requirements for a partial filing fee based on a prisoner's present assets.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the engrossed bill

1. Clarifies present law requirement requiring the agency having custody of the prisoner to forward payments from the prisoner's account to the clerk of the court each time the amount in the account exceeds \$10 until the filing fees are paid.