

## RÉSUMÉ DIGEST

**ACT 253 (HB 199)**

**2025 Regular Session**

**Edmonston**

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

New law retains existing law.

New 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.

Existing 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 existing law, the prisoner shall still be required to pay the full amount of a filing fee.

Existing 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.

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

New 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.

New 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).

Existing 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.

Existing law retains existing law.

Prior law provided that the agency having custody of the prisoner was required to forward payments from the prisoner's account to the clerk of the court each time the amount in the account exceeded \$10 until the filing fees were paid, and prohibited the filing fee collected from exceeding the amount of fees permitted by statute.

New law removes the requirement that the agency forward payments to the clerk of court each time the amount exceeds \$10, but retains the prohibition of the filing fee collected from exceeding the amount of fees permitted by law.

New 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.

New 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.

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

New law retains existing law and amends a cross-reference.

Effective August 1, 2025.

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

