

2025 Regular Session

HOUSE BILL NO. 199

BY REPRESENTATIVE EDMONSTON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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

1 AN ACT

2 To amend and reenact R.S. 15:1186(A) and (B)(1) and 1188(B)(2), relative to civil claims
3 of prisoners; to provide relative for proceeding in forma pauperis; to provide for
4 procedural requirements; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 15:1186(A) and (B)(1) and 1188(B)(2) are hereby amended and
7 reenacted to read as follows:

8 §1186. Proceedings in forma pauperis

9 A.(1) A prisoner who seeks to bring a civil action or file an appeal or writ
10 application in a civil action without prepayment of fees or security ~~must~~ shall comply
11 with all requirements for proceeding in forma pauperis except for Code of Civil
12 Procedure Article 5183(A)(2).

13 (2)(a) and A prisoner who is incarcerated in any prison at the time of his
14 application to proceed in forma pauperis shall submit a certified copy of the trust
15 fund account statement or institutional equivalent for the six-month period
16 immediately preceding the filing of the petition, notice of appeal, or writ application
17 obtained from the appropriate official of each prison at ~~which~~ where the prisoner is
18 or was confined. If the prisoner was incarcerated for less than six months at the time
19 of his application to proceed in forma pauperis, his account shall be limited to the
20 period of incarceration.

1 (b) A prisoner who is no longer incarcerated in any prison at the time of his
2 application to proceed in forma pauperis shall submit a certified copy of his trust
3 fund account statement or institutional equivalent for the six-month period
4 immediately preceding the filing of the petition, notice of appeal, or writ application.
5 If the prisoner was released less than six months before his application to proceed
6 in forma pauperis, his account shall be limited to the period between his release and
7 the application to proceed in forma pauperis.

8 ~~(2)~~ (3) If a prisoner brings a civil action or files an appeal or writ application
9 in forma pauperis as authorized by Paragraph (A)(1) of this Section, the prisoner
10 shall still be required to pay the full amount of a filing fee. The court shall assess
11 and, when funds exist, collect, as a partial payment of any court fees required by law,
12 an initial partial filing fee of twenty percent of the greater of the average monthly
13 deposits to the prisoner's account, or the average monthly balance in the prisoner's
14 account for the six-month period immediately preceding the filing of the petition,
15 notice of appeal, or writ application.

16 ~~(3)~~ (4) If a prisoner brings a civil action, files an appeal, or files a writ
17 application in which the prisoner is not allowed to proceed as a pauper, the prisoner
18 ~~must~~ shall pay the required costs in advance. If the prisoner does not pay the costs
19 in advance, the civil action, appeal, or writ application shall be dismissed without
20 prejudice. If the action is dismissed pursuant to this Paragraph, the filing of the suit
21 shall not be considered an interruption of prescription for purposes of Civil Code
22 Article 3463.

23 B.(1) After payment of the initial partial filing fee, as required by Paragraph
24 ~~(A)(2)~~ (A)(3) of this Section, the prisoner shall be required to make monthly
25 payments of twenty percent of the preceding month's income credited to the
26 prisoner's account. The agency having custody of the prisoner shall forward
27 payments from the prisoner's account to the clerk of the court each time the amount
28 in the account exceeds ten dollars until the filing fees are paid. In no event shall the
29 filing fee collected exceed the amount of fees permitted by ~~statute~~ law.

Proposed law amends present law to provide that a prisoner who is incarcerated in any prison at the time of his application to proceed in forma pauperis shall submit a certified copy of the trust fund account statement or institutional equivalent for the six-month period immediately preceding the filing of the petition, notice of appeal, or writ application obtained from the appropriate official of each prison where the prisoner is confined.

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.

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 a certified copy of his trust fund account statement or institutional equivalent for the six-month period immediately preceding the filing of the petition, notice of appeal, or writ application.

Proposed law provides that if the prisoner was released less than six months before his application to proceed in forma pauperis, his account shall be limited to the period between his release and the application to proceed in forma pauperis.

Present law (R.S. 15:1186(B)) provides for payment of filing fees by prisoners.

Proposed law retains present law and 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 further 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))