

**ACT No. 253**

2025 Regular Session

HOUSE BILL NO. 199

BY REPRESENTATIVE EDMONSTON

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 statement shall be  
20 limited to the period of incarceration.

21 (b) A prisoner who is no longer incarcerated in any prison at the time of his  
22 application to proceed in forma pauperis shall submit an affidavit of the prisoner's  
23 present assets and any supporting documentation pursuant to Code of Civil  
24 Procedure Article 5183(A)(1).

1           ~~(2)~~ (3) If a prisoner brings a civil action or files an appeal or writ application  
 2           in forma pauperis as authorized by Paragraph (A)(1) of this Section, the prisoner  
 3           shall still be required to pay the full amount of a filing fee. The court shall assess  
 4           and, when funds exist, collect, as a partial payment of any court fees required by law,  
 5           an initial partial filing fee ~~of~~ calculated as follows:

6                     (a) For partial filing fees based on a trust account or institutional equivalent,  
 7                     the fee shall be twenty percent of the greater of the average monthly deposits to the  
 8                     prisoner's account, or the average monthly balance in the prisoner's account for the  
 9                     six-month period immediately preceding the filing of the petition, notice of appeal,  
 10                    or writ application.

11                   (b) For partial filing fees based on a prisoner's present assets, the fee shall  
 12                   be determined based on the fee schedule in Code of Civil Procedure Article 5181.

13           ~~(3)~~ (4) If a prisoner brings a civil action, files an appeal, or files a writ  
 14           application in which the prisoner is not allowed to proceed as a pauper, the prisoner  
 15           ~~must~~ shall pay the required costs in advance. If the prisoner does not pay the costs  
 16           in advance, the civil action, appeal, or writ application shall be dismissed without  
 17           prejudice. If the action is dismissed pursuant to this Paragraph, the filing of the suit  
 18           shall not be considered an interruption of prescription for purposes of Civil Code  
 19           Article 3463.

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

27                   (a) If the prisoner is incarcerated in a prison, the order granting pauper status  
 28                   shall direct the agency having custody of the prisoner to forward payments from the  
 29                   prisoner's account to the clerk of court each time the amount in the account exceeds  
 30                   ten dollars until the filing fees are paid.

