

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 statement shall be  
20 limited to the 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 an affidavit of the prisoner's  
3           present assets and any supporting documentation pursuant to Code of Civil  
4           Procedure Article 5183(A)(1).

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

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

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

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

24           B.(1) After payment of the initial partial filing fee, as required by Paragraph  
25           ~~(A)(2)~~ (A)(3) of this Section, the prisoner shall be required to make monthly  
26           payments of twenty percent of the preceding month's income credited to the  
27           prisoner's account. The agency having custody of the prisoner shall forward  
28           payments from the prisoner's account to the clerk of the court each time the amount

1 in the account exceeds ten dollars until the filing fees are paid. In no event shall the  
2 filing fee collected exceed the amount of fees permitted by ~~statute~~ law.

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

7 (b) If the prisoner is not incarcerated, the prisoner shall forward the  
8 payments to the clerk of court whenever the amount in his possession exceeds ten  
9 dollars until the filing fees are paid.

10 \* \* \*

11 §1188. Judicial screening and service of process

12 \* \* \*

13 B. A court shall not authorize or permit service of a prisoner suit until  
14 compliance with both of the following:

15 \* \* \*

16 (2) The provisions of R.S. 15:1186(A)(1), ~~and (2), and (3)~~ have been  
17 satisfied, if the plaintiff is proceeding in forma pauperis.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 199 Engrossed

2025 Regular Session

Edmonston

**Abstract:** Provides relative to in forma pauperis proceedings for prisoners.

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.

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))

#### 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.