

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 41

SHORT TITLE: PRO SE INDIGENT PRISONERS

SPONSOR(S): SENATOR ODOM

FISCAL IMPACT: **Expenditures:** **Increase ()** **Decrease (**
)
 Revenues: **Increase ()** **Decrease (**
)
 No Impact (X)
 No Estimate Available ()

FUNDS AFFECTED: **General Fund ()** **Highway Fund ()**
 Local Fund () **Other Fund ()**

BILL SUMMARY: "TO PROVIDE A PROCEDURE FOR ELIMINATING FRIVOLOUS LAWSUITS BY PRISONERS AND TO ESTABLISH A PARTIAL FILING FEE FOR PRISONERS PROCEEDING AS INDIGENTS." Amends G.S. 1-110 to provide separate procedure for pro se suits filed by prison inmates. Initially, judge to determine if suit is frivolous and to dismiss it by order if judge so finds. If suit not determined frivolous, cases returned to clerk of superior court for inquiry into inmate's ability to pay filing fee. Permits inmate to proceed as indigent upon payment or partial filing fee based upon 15% of income received in inmate's trust account during six-months before filing of complaint. If fee is not received within 20 days of notice of amount, suit to be dismissed.

EFFECTIVE DATE: Effective for actions filed on or after ratification.

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Judicial Branch

FISCAL IMPACT

FY 95-96 FY 96-97 FY 97-98 FY 98-99
FY99-00

EXPENDITURES
NON-RECURRING

RECURRING NO FISCAL IMPACT

ASSUMPTIONS AND METHODOLOGY:

The vast majority of civil cases brought by prisoners are already handled in superior court. Therefore, the Administrative Office of the Courts would not expect an increase in the Judicial Branch workload as a result of the proposed legislation.

SOURCES OF DATA: Administrative Office of the Courts; North Carolina Sentencing and Policy Advisory Commission

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION (733-4910)

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