

CF 7r1745

By: Delegates Preis, Turner, Harkins, Hutchins, Perry, and Bissett

Introduced and read first time: January 31, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Prisoner Litigation Act**

3 FOR the purpose of requiring a prisoner who files a civil action relating to the conditions
4 of confinement to pay the full amount of the applicable filing fee; establishing
5 certain exceptions; prohibiting the initiation of certain events until the filing fee is
6 paid in full; requiring a prisoner who files a civil action to submit to the Clerk
7 certain information relating to the prisoner's account; requiring the Clerk to issue to
8 a prisoner a consent form containing certain information relating to the prisoner's
9 account; requiring the Clerk to forward a copy of the consent form to the institution
10 or agency that has custody of the prisoner; requiring the prisoner's custodian, under
11 certain conditions, to remit to the Clerk certain funds from the prisoner's account;
12 authorizing a custodian, under certain circumstances, to set aside or freeze certain
13 funds deposited into the prisoner's account; authorizing a court, under certain
14 circumstances, to dismiss a civil action filed under this Act; prohibiting a prisoner
15 from maintaining a civil action under certain circumstances; requiring a prisoner
16 who files a civil action to attach certain information to the initial complaint;
17 requiring a court, prior to a certain event, to review a prisoner's complaint to
18 identify any cognizable claims; establishing the effect of a dismissal of a prisoner's
19 civil action; authorizing a court to take certain action if a prisoner has filed a certain
20 number of frivolous complaints; requiring a certain finding to be reflected in the
21 docket entries of a civil action filed under this Act; providing for the disposition of
22 compensatory and punitive damages awarded to a prisoner in connection with a civil
23 action filed under this Act; requiring a prisoner's custodian to notify, in a certain
24 manner, a victim of the prisoner and a recipient of a child support obligation for
25 which the prisoner is responsible of certain information; authorizing a court to
26 rescind any or all of a prisoner's diminution or confinement credits under certain
27 circumstances; establishing that punitive damages awarded in a civil action filed
28 under this Act may not exceed a certain amount; establishing a transaction fee for
29 payments forwarded to the Clerk from a prisoner's account; providing that a court is
30 not required to hold a hearing under certain circumstances; defining certain terms;
31 and generally relating to civil actions filed by prisoners.

32 BY adding to

33 Article - Courts and Judicial Proceedings

34 Section 5-501 through 5-511 to be under the new subtitle "Subtitle 5. Prisoner

35 Litigation Act"

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1 Annotated Code of Maryland
2 (1995 Replacement Volume and 1996 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article - Courts and Judicial Proceedings**

6 SUBTITLE 5. PRISONER LITIGATION ACT.

7 5-501.

8 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

10 (B) (1) "ADMINISTRATIVE REMEDY" MEANS ANY PROCEDURE FOR REVIEW
11 OF A PRISONER'S COMPLAINT OR GRIEVANCE, INCLUDING JUDICIAL REVIEW, IF
12 AVAILABLE, THAT IS PROVIDED BY THE DEPARTMENT, THE DIVISION OF
13 CORRECTION, OR ANY COUNTY OR OTHER MUNICIPALITY OR POLITICAL
14 SUBDIVISION, AND RESULTS IN A WRITTEN DETERMINATION OR DISPOSITION.

15 (2) "ADMINISTRATIVE REMEDY" INCLUDES A PROCEEDING UNDER
16 TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE OR ARTICLE 41, § 4-102.1
17 OF THE CODE.

18 (C) (1) "CIVIL ACTION" MEANS A LEGAL ACTION SEEKING MONEY
19 DAMAGES, INJUNCTIVE RELIEF, DECLARATORY RELIEF, OR ANY APPEAL FILED IN
20 ANY COURT IN THE STATE THAT RELATES TO OR INVOLVES A PRISONER'S
21 CONDITIONS OF CONFINEMENT.

22 (2) "CIVIL ACTION" INCLUDES:

23 (I) AN APPEAL OF AN ADMINISTRATIVE REMEDY TO ANY COURT;

24 (II) A PETITION FOR MANDAMUS AGAINST THE PRISONER'S
25 CUSTODIAN, ITS OFFICERS OR EMPLOYEES, OR ANY OFFICIAL OR EMPLOYEE OF THE
26 DEPARTMENT;

27 (III) A PETITION FOR HABEAS CORPUS RELIEF THAT DOES NOT
28 ATTACK THE VALIDITY OF THE PRISONER'S CRIMINAL CONVICTION;

29 (IV) ANY TORT CLAIM AGAINST A CUSTODIAN, THE CUSTODIAN'S
30 OFFICERS OR EMPLOYEES, OR ANY EMPLOYEE OR OFFICIAL OF THE DEPARTMENT;

31 (V) ANY ACTION ALLEGING A VIOLATION OF CIVIL RIGHTS
32 AGAINST A CUSTODIAN, THE CUSTODIAN'S OFFICERS AND EMPLOYEES, OR ANY
33 OFFICIAL OR EMPLOYEE OF THE DEPARTMENT; OR

34 (VI) ANY APPEAL, APPLICATION FOR LEAVE TO APPEAL, OR
35 PETITION FOR CERTIORARI.

1 (3) "CIVIL ACTION" DOES NOT INCLUDE A POSTCONVICTION PETITION
2 OR PETITION FOR HABEAS CORPUS RELIEF THAT ATTACKS THE VALIDITY OF A
3 PRISONER'S CRIMINAL CONVICTION.

4 (D) "CLERK" MEANS THE CLERK OF THE COURT IN WHICH THE CIVIL ACTION
5 IS FILED.

6 (E) (1) "CONDITIONS OF CONFINEMENT" MEANS ANY CIRCUMSTANCE,
7 SITUATION OR EVENT THAT INVOLVES A PRISONER'S CUSTODY, TRANSPORTATION,
8 INCARCERATION, OR SUPERVISION.

9 (2) "CONDITIONS OF CONFINEMENT" INCLUDES:

10 (I) AN ALLEGED TORT COMMITTED AGAINST THE PRISONER BY
11 THE CUSTODIAN, THE CUSTODIAN'S OFFICERS OR EMPLOYEES;

12 (II) AN ALLEGED CIVIL RIGHTS VIOLATION COMMITTED AGAINST
13 THE PRISONER BY THE CUSTODIAN, THE CUSTODIAN'S OFFICERS OR EMPLOYEES;

14 (III) A DISPUTE REGARDING THE AWARD OR CALCULATION OF
15 DIMINUTION CREDITS;

16 (IV) A DISPUTE REGARDING THE CALCULATION OF THE
17 PRISONER'S SENTENCE OR THE SENTENCE EXPIRATION DATE;

18 (V) A DISPUTE REGARDING THE PRISONER'S MANDATORY
19 SUPERVISION RELEASE DATE; AND

20 (VI) ANY OTHER DISPUTE THAT RELATES TO THE PRISONER'S
21 CUSTODY OR INCARCERATION.

22 (3) "CONDITIONS OF CONFINEMENT" DOES NOT INCLUDE A PRISONER'S
23 POSTCONVICTION PETITION OR PETITION FOR HABEAS CORPUS RELIEF THAT
24 ATTACKS THE VALIDITY OF A PRISONER'S CRIMINAL CONVICTION.

25 (F) "CUSTODIAN" MEANS THE INSTITUTION OR AGENCY THAT HAS CUSTODY
26 OF THE PRISONER.

27 (G) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC SAFETY AND
28 CORRECTIONAL SERVICES.

29 (H) (1) "PRISONER" MEANS A PERSON WHO IS IN THE CUSTODY OF THE
30 DEPARTMENT OR A LOCAL DETENTION CENTER.

31 (2) "PRISONER" INCLUDES PRETRIAL DETAINEES.

32 (I) (1) "PRISONER'S ACCOUNT" MEANS A RECORD OF MONEYS
33 MAINTAINED BY THE DEPARTMENT OR ANY OF ITS DIVISIONS, A COUNTY, A
34 MUNICIPALITY, OR ANY OTHER POLITICAL SUBDIVISION ON BEHALF OF THE
35 PRISONER.

36 (2) "PRISONER'S ACCOUNT" INCLUDES A PRISONER'S SPENDING
37 ACCOUNT AS DEFINED BY ARTICLE 27, § 678B OF THE CODE.

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1 (3) "PRISONER'S ACCOUNT" DOES NOT INCLUDE AN INMATE'S RESERVE
2 ACCOUNT MAINTAINED UNDER ARTICLE 27, § 678B OF THE CODE.

3 (J) "WELFARE COMMISSARY LEVEL" MEANS THE AMOUNT OF MONEY THAT
4 A PRISONER'S ACCOUNT BALANCE MUST FALL BELOW BEFORE THE PRISONER IS
5 ISSUED PERSONAL SUPPLIES AT THE EXPENSE OF THE PRISONER'S CUSTODIAN.

6 5-502.

7 (A) (1) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A
8 PRISONER WHO MAINTAINS A CIVIL ACTION SHALL PAY THE FULL AMOUNT OF THE
9 APPLICABLE FILING FEE.

10 (2) UNTIL ANY APPLICABLE FILING FEE IS PAID IN FULL OR WAIVED
11 UNDER SUBSECTION (D) OF THIS SECTION, SERVICE OF THE COMPLAINT SHALL BE
12 WITHHELD, DISCOVERY MAY NOT COMMENCE, AND OTHER PROCEEDINGS MAY NOT
13 BE CONVENED.

14 (B) (1) A PRISONER SEEKING TO FILE A CIVIL ACTION SHALL SUBMIT TO
15 THE CLERK A CERTIFIED COPY OF THE TRANSACTION AND BALANCE RECORD OF
16 THE PRISONER'S ACCOUNT FOR THE 6-MONTH PERIOD IMMEDIATELY PRECEDING
17 THE FILING OF THE COMPLAINT OR NOTICE OF APPEAL.

18 (2) THE CERTIFIED COPY OF THE TRANSACTION AND BALANCE
19 RECORD SHALL BE OBTAINED FROM THE CUSTODIAN.

20 (C) (1) ON RECEIPT OF A CIVIL ACTION FILED ON BEHALF OF A PRISONER,
21 THE CLERK SHALL ISSUE A CONSENT FORM TO THE PRISONER FOR THE
22 COLLECTION OF THE COURT'S FILING FEE.

23 (2) THE CONSENT FORM SHALL CONTAIN:

24 (I) A STATEMENT OF THE COURT'S FILING FEE;

25 (II) A STATEMENT THAT THE PRISONER IMMEDIATELY
26 AUTHORIZES THE PRISONER'S CUSTODIAN TO FORWARD TO THE CLERK FOR
27 APPLICATION TOWARD PAYMENT OF THE FEE ALL MONEYS CURRENTLY IN THE
28 PRISONER'S ACCOUNT THAT ARE NOT BELOW THE WELFARE COMMISSARY LEVEL;
29 AND

30 (III) A SIGNATURE LINE FOR THE PRISONER TO SIGN THE CONSENT
31 FORM.

32 (3) (I) ON RECEIPT OF A CONSENT FORM SIGNED BY THE PRISONER,
33 THE CLERK SHALL FORWARD A COPY OF THE CONSENT FORM TO THE CUSTODIAN.

34 (II) ON RECEIPT OF THE SIGNED CONSENT FORM FROM THE
35 CLERK, THE CUSTODIAN SHALL REMIT TO THE CLERK THE FULL FEE DUE IF THE
36 PRISONER'S ACCOUNT HAS SUFFICIENT FUNDS ABOVE THE WELFARE COMMISSARY
37 LEVEL OR ALL FUNDS ABOVE THE WELFARE COMMISSARY LEVEL IF INSUFFICIENT
38 FUNDS FOR FULL PAYMENT ARE AVAILABLE.

39 (III) 1. IF THE PRISONER DOES NOT HAVE SUFFICIENT FUNDS
40 FOR THE FULL FILING FEE IN THE PRISONER'S ACCOUNT, THE CUSTODIAN SHALL

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1 FORWARD TO THE CLERK ALL FUNDS IN THE PRISONER'S ACCOUNT UP TO THE
2 WELFARE COMMISSARY LEVEL AND THE CLERK SHALL APPLY THE SUM AGAINST
3 THE FULL FILING FEE.

4 2. SUBSEQUENT TO THE CUSTODIAN TAKING ACTION
5 UNDER ITEM 1 OF THIS SUBPARAGRAPH, THE CUSTODIAN SHALL, ON A MONTHLY
6 BASIS, SEND TO THE CLERK ALL FUNDS ABOVE THE WELFARE COMMISSARY LEVEL
7 UNTIL THE FULL FILING FEE IS PAID.

8 (4) THE CUSTODIAN MAY SET ASIDE OR FREEZE ANY MONEY
9 DEPOSITED INTO THE PRISONER'S ACCOUNT FOR FORWARDING TO THE CLERK
10 EACH TIME THE PRISONER'S ACCOUNT BALANCE EXCEEDS THE WELFARE
11 COMMISSARY LEVEL.

12 (5) A COURT SHALL DISMISS A CIVIL ACTION THAT IS FILED BY A
13 PRISONER WHO DOES NOT SIGN AND RETURN THE CONSENT FORM AS REQUIRED
14 UNDER THIS SUBSECTION.

15 (D) A COURT MAY WAIVE PAYMENT OF THE REQUIRED FILING FEE FOR A
16 CIVIL ACTION FILED BY A PRISONER ONLY ON A WRITTEN SHOWING UNDER OATH
17 BY THE PRISONER THAT:

18 (1) THE PRISONER IS INDIGENT;

19 (2) THE ISSUE PRESENTED IS OF SERIOUS CONCERN;

20 (3) DELAY IN THE CONSIDERATION OF THE ISSUES PRESENTED WILL
21 PREJUDICE THE CONSIDERATION OF THE CLAIM;

22 (4) THE PRISONER IS NOT LIKELY TO ACCUMULATE SUFFICIENT FUNDS
23 TO PAY THE REQUIRED FILING FEE WITHIN A REASONABLE PERIOD OF TIME; AND

24 (5) THE PRISONER POSSESSES A REASONABLE LIKELIHOOD OF SUCCESS
25 ON THE MERITS OF THE CLAIM.

26 5-503.

27 (A) (1) A PRISONER MAY NOT MAINTAIN A CIVIL ACTION UNTIL THE
28 PRISONER HAS FULLY EXHAUSTED ALL ADMINISTRATIVE REMEDIES FOR
29 RESOLVING THE COMPLAINT OR GRIEVANCE.

30 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, AN
31 ADMINISTRATIVE REMEDY IS EXHAUSTED WHEN THE PRISONER HAS PURSUED TO
32 COMPLETION ALL APPROPRIATE PROCEEDINGS FOR APPEAL OF THE
33 ADMINISTRATIVE DISPOSITION, INCLUDING PROCEEDINGS FOR JUDICIAL REVIEW
34 AND DISMISSAL WITHOUT CONSIDERATION OF THE MERITS OF THE CLAIM.

35 (3) AN ADMINISTRATIVE REMEDY IS NOT EXHAUSTED IF THE
36 PRISONER'S COMPLAINT OR GRIEVANCE WAS FOUND TO BE MERITORIOUS AND
37 MONETARY DAMAGES WERE NOT AVAILABLE THROUGH THE ADMINISTRATIVE
38 REMEDY AVAILABLE TO THE PRISONER.

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1 (B) (1) WHEN A PRISONER FILES A CIVIL ACTION, THE PRISONER SHALL
2 ATTACH TO THE INITIAL COMPLAINT PROOF THAT ADMINISTRATIVE REMEDIES
3 HAVE BEEN EXHAUSTED.

4 (2) THE ATTACHMENT SHALL INCLUDE PROOF:

5 (I) THAT THE PRISONER HAS FILED A COMPLAINT OR GRIEVANCE
6 WITH THE APPROPRIATE AGENCY;

7 (II) OF THE ADMINISTRATIVE DISPOSITION OF THE COMPLAINT OR
8 GRIEVANCE; AND

9 (III) THAT THE PRISONER HAS APPEALED THE ADMINISTRATIVE
10 DISPOSITION TO THE APPROPRIATE AUTHORITY, INCLUDING PROOF OF JUDICIAL
11 REVIEW, IF AVAILABLE.

12 (3) ON RECEIPT OF A PRISONER'S INITIAL COMPLAINT THAT DOES NOT
13 HAVE ATTACHED TO IT PROOF THAT THE PRISONER HAS FULLY EXHAUSTED THE
14 ADMINISTRATIVE REMEDIES AVAILABLE, THE COURT SHALL DISMISS THE CASE
15 WITHOUT PREJUDICE AND GRANT THE PRISONER REASONABLE LEAVE TO AMEND
16 THE COMPLAINT AND TO PROVIDE THE PROOF NECESSARY TO DEMONSTRATE THAT
17 THE PRISONER HAS FULLY EXHAUSTED THE ADMINISTRATIVE REMEDIES.

18 (C) A COURT SHALL DISMISS A CIVIL ACTION IF THE PRISONER FILING THE
19 ACTION HAS NOT COMPLETELY EXHAUSTED THE ADMINISTRATIVE REMEDIES.

20 5-504.

21 (A) (1) PRIOR TO SERVICE OF PROCESS OF THE PRISONER'S CIVIL ACTION,
22 THE COURT SHALL REVIEW THE PRISONER'S INITIAL COMPLAINT AND IDENTIFY
23 ANY COGNIZABLE CLAIMS.

24 (2) AFTER REVIEWING THE PRISONER'S COMPLAINT, THE COURT MAY
25 DISMISS THE CIVIL ACTION, OR ANY PORTION THEREOF, WITH OR WITHOUT
26 PREJUDICE, IF IT FINDS THAT THE CIVIL ACTION:

27 (I) IS FRIVOLOUS, MALICIOUS, OR FAILS TO STATE A CLAIM FOR
28 WHICH RELIEF CAN BE GRANTED;

29 (II) SEEKS MONETARY DAMAGES FROM A DEFENDANT WHO IS
30 IMMUNE FROM SUCH RELIEF; OR

31 (III) IS BARRED UNDER § 5-503(A) OF THIS SUBTITLE.

32 (3) AN ORDER OF DISMISSAL UNDER PARAGRAPH (2)(I) OR (II) OF THIS
33 SUBSECTION MAY BE ISSUED WITHOUT FIRST REQUIRING PROOF OF EXHAUSTION.

34 (4) (I) THE DISMISSAL OF A CIVIL ACTION UNDER THIS SECTION DOES
35 NOT INVALIDATE THE PRISONER'S CONSENT FOR THE COURT TO COLLECT ITS
36 FILING FEES UNDER § 5-502 OF THIS SUBTITLE AND MAY NOT ABATE THE
37 OBLIGATION OF THE PRISONER FOR FULL PAYMENT OF FEES.

38 (II) IF THE PRISONER HAS CONSENTED TO PAYMENT AND
39 COLLECTION OF THE COURT'S FILING FEE UNDER § 5-502 OF THIS SUBTITLE, THE

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1 CLERK AND THE CUSTODIAN SHALL CONTINUE WITH THE COLLECTION PROCESS
2 DESCRIBED IN § 5-502 OF THIS SUBTITLE, UNTIL THE FULL FILING FEE OF THE COURT
3 IS PAID, NOTWITHSTANDING THE COURT'S DISMISSAL OF THE PRISONER'S CIVIL
4 ACTION.

5 (5) THE COURT MAY PERFORM THE JUDICIAL SCREENING PROCESS
6 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION BEFORE FULL PAYMENT HAS
7 BEEN RECEIVED.

8 (B) (1) A PRISONER WHO HAS FILED THREE OR MORE CIVIL ACTIONS THAT
9 HAVE BEEN DECLARED TO BE FRIVOLOUS BY ANY STATE OR FEDERAL COURT MAY
10 NOT FILE ANY FURTHER CIVIL ACTIONS WITHOUT LEAVE OF COURT.

11 (2) IF A PRISONER HAS FILED THREE OR MORE CIVIL ACTIONS THAT
12 HAVE BEEN DECLARED TO BE FRIVOLOUS BY ANY STATE OR FEDERAL COURT, A
13 COURT MAY PLACE THE PRISONER'S REMAINING AND FUTURE CIVIL ACTIONS ON
14 AN INACTIVE CASE LIST AND PERMIT THE PRISONER TO PURSUE ONLY ONE CIVIL
15 ACTION OR APPEAL AT A TIME, REGARDLESS OF JURISDICTION.

16 5-505.

17 (A) A COURT MAY INCLUDE IN ITS FINAL ORDER OR JUDGMENT IN ANY CIVIL
18 ACTION A FINDING THAT THE ACTION WAS FRIVOLOUS.

19 (B) A FINDING UNDER SUBSECTION (A) OF THIS SECTION SHALL BE
20 REFLECTED IN THE DOCKET ENTRIES OF THE CASE.

21 5-506.

22 (A) (1) ANY COMPENSATORY OR PUNITIVE DAMAGES AWARDED TO A
23 PRISONER IN CONNECTION WITH A CIVIL ACTION SHALL BE PAID DIRECTLY TO
24 SATISFY ANY OUTSTANDING RESTITUTION ORDER OR CHILD SUPPORT ORDER
25 PENDING AGAINST THE PRISONER.

26 (2) IF THERE ARE MULTIPLE ORDERS OF RESTITUTION OR CHILD
27 SUPPORT PENDING AGAINST THE PRISONER, ANY COMPENSATORY DAMAGES SHALL
28 BE DISTRIBUTED AGAINST THOSE ORDERS ON A PRO RATA BASIS.

29 (3) (I) THE STATE, THE DEPARTMENT, AND THE DIVISION OF
30 CORRECTION MAY NOT BE LIABLE FOR ANY FAILURE TO CREDIT AN AWARD AS
31 PROVIDED IN THIS SECTION.

32 (II) THE STATE, THE DEPARTMENT, THE DIVISION OF
33 CORRECTION, AND ANY COUNTY OR MUNICIPALITY, THROUGH ANY AUTHORIZED
34 EMPLOYEE OR OFFICIAL, MAY RECLAIM ANY MONEY ERRONEOUSLY CREDITED TO
35 A PRISONER WITHOUT JUDICIAL ACTION IN ORDER TO COMPLY WITH THIS SECTION.

36 (B) IF A PRISONER IS AWARDED COMPENSATORY OR PUNITIVE DAMAGES
37 FOR A CIVIL ACTION, THE PRISONER'S CUSTODIAN SHALL NOTIFY, IN WRITING, THE
38 VICTIM OR VICTIMS OF THE CRIME FOR WHICH THE PRISONER IS INCARCERATED
39 AND THE RECIPIENT OR RECIPIENTS OF ANY CHILD SUPPORT OBLIGATION FOR
40 WHICH THE PRISONER IS RESPONSIBLE.

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1 5-507.

2 A COURT MAY RESCIND ANY OR ALL OF A PRISONER'S DIMINUTION CREDITS
3 THAT HAVE BEEN AWARDED UNDER ARTICLE 27, §§ 700 AND 704A OF THE CODE IF
4 THE COURT FINDS THAT:

5 (1) THE PRISONER'S CIVIL ACTION IS FRIVOLOUS, MALICIOUS, OR HAS
6 BEEN FILED FOR THE PURPOSE OF HARASSING A PARTY; OR

7 (2) THE PRISONER TESTIFIED FALSELY OR KNOWINGLY PRESENTED
8 FALSE EVIDENCE OR FALSE INFORMATION TO THE COURT.

9 5-508.

10 A PRISONER MAY NOT MAINTAIN A CIVIL ACTION IF THE SOLE INJURY TO THE
11 PRISONER IS ALLEGED MENTAL ANGUISH OR INJURY UNLESS THE PRISONER CAN
12 PRESENT EVIDENCE THAT THE ALLEGED MENTAL ANGUISH OR INJURY HAS
13 MANIFESTED ITSELF IN A PHYSICAL MANNER.

14 5-509.

15 IN A CIVIL ACTION, AN AWARD FOR PUNITIVE DAMAGES AGAINST A
16 DEFENDANT MAY NOT EXCEED \$2,000.

17 5-510.

18 IF A PRISONER FILES A CIVIL ACTION THAT IS SUBJECT TO THE ASSESSMENT
19 AND COLLECTION PROCEDURES UNDER § 5-502 OF THIS SUBTITLE, A TRANSACTION
20 FEE OF \$1 MAY BE LEVIED AGAINST THE PRISONER'S ACCOUNT EACH TIME THAT A
21 PAYMENT IS FORWARDED TO THE CLERK.

22 5-511.

23 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN A CIVIL ACTION FILED
24 BY A PRISONER THAT IS AN APPEAL ON THE RECORD, THE COURT IS NOT REQUIRED
25 TO HOLD A HEARING IF IT DETERMINES THAT A HEARING IS NOT NECESSARY FOR
26 THE DISPOSITION OF THE MATTER.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 1997.