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1997 Regular Session
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By: Delegates Preis, Turner, Harkins, Hutchins, Perry, and Bissett

Introduced and read first time: January 31, 1997

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 1997

CHAPTER ____

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

2

1 ~~establishing a transaction fee for payments forwarded to the Clerk from a prisoner's~~
2 ~~account providing certain sanctions for filing a certain number of frivolous actions;~~
3 providing that a court is not required to hold a hearing under certain circumstances;
4 ~~providing for the application of this Act;~~ defining certain terms; and generally
5 relating to civil actions filed by prisoners.

6 BY adding to

7 Article - Courts and Judicial Proceedings

8 Section 5-501 through ~~5-511~~ 5-506 to be under the new subtitle "Subtitle 5.

9 Prisoner Litigation Act"

10 Annotated Code of Maryland

11 (1995 Replacement Volume and 1996 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Courts and Judicial Proceedings**

15 **SUBTITLE 5. PRISONER LITIGATION ACT.**

16 5-501.

17 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
18 INDICATED.

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

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

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

31 (2) "CIVIL ACTION" INCLUDES:

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

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

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

3

1 ~~(IV)~~ (III) ANY TORT CLAIM AGAINST A CUSTODIAN, THE
 2 CUSTODIAN'S OFFICERS OR EMPLOYEES, OR ANY EMPLOYEE OR OFFICIAL OF THE
 3 DEPARTMENT;

4 ~~(V)~~ (IV) ANY ACTION ALLEGING A VIOLATION OF CIVIL RIGHTS
 5 AGAINST A CUSTODIAN, THE CUSTODIAN'S OFFICERS AND EMPLOYEES, OR ANY
 6 OFFICIAL OR EMPLOYEE OF THE DEPARTMENT; OR

7 ~~(VI)~~ (V) ANY APPEAL, APPLICATION FOR LEAVE TO APPEAL, OR
 8 PETITION FOR CERTIORARI.

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

12 ~~(D)~~ "CLERK" MEANS ~~THE CLERK OF THE COURT IN WHICH THE CIVIL ACTION~~
 13 ~~IS FILED.~~

14 ~~(E)~~ ~~(F)~~ (D) "CONDITIONS OF CONFINEMENT" MEANS ANY CIRCUMSTANCE,
 15 SITUATION OR EVENT THAT INVOLVES A PRISONER'S CUSTODY, TRANSPORTATION,
 16 INCARCERATION, OR SUPERVISION.

17 ~~(2)~~ "CONDITIONS OF CONFINEMENT" INCLUDES:

18 ~~(I)~~ AN ALLEGED TORT COMMITTED AGAINST THE PRISONER BY
 19 THE CUSTODIAN, THE CUSTODIAN'S OFFICERS OR EMPLOYEES;

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

22 ~~(III)~~ A DISPUTE REGARDING THE AWARD OR CALCULATION OF
 23 DIMINUTION CREDITS;

24 ~~(IV)~~ A DISPUTE REGARDING THE CALCULATION OF THE
 25 PRISONER'S SENTENCE OR THE SENTENCE EXPIRATION DATE;

26 ~~(V)~~ A DISPUTE REGARDING THE PRISONER'S MANDATORY
 27 SUPERVISION RELEASE DATE; AND

28 ~~(VI)~~ ANY OTHER DISPUTE THAT RELATES TO THE PRISONER'S
 29 CUSTODY OR INCARCERATION.

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

33 ~~(F)~~ (E) "CUSTODIAN" MEANS THE INSTITUTION OR AGENCY THAT HAS
 34 CUSTODY OF THE PRISONER.

35 ~~(G)~~ (F) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC SAFETY AND
 36 CORRECTIONAL SERVICES.

37 ~~(H)~~ (G) (1) "PRISONER" MEANS A PERSON WHO IS IN THE CUSTODY OF
 38 THE DEPARTMENT OR A LOCAL DETENTION CENTER.

4

1 (2) "PRISONER" INCLUDES PRETRIAL DETAINEES.

2 ~~(1) "PRISONER'S ACCOUNT" MEANS A RECORD OF MONEYS~~
 3 ~~MAINTAINED BY THE DEPARTMENT OR ANY OF ITS DIVISIONS, A COUNTY, A~~
 4 ~~MUNICIPALITY, OR ANY OTHER POLITICAL SUBDIVISION ON BEHALF OF THE~~
 5 ~~PRISONER.~~

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

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

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

13 5-502.

14 (A) (1) ~~(I)~~ EXCEPT AS PROVIDED IN SUBSECTION ~~(D)~~ (C) OF THIS SECTION,
 15 A PRISONER WHO MAINTAINS A CIVIL ACTION SHALL PAY ~~THE FULL AMOUNT~~ ALL
 16 OR A PORTION OF THE APPLICABLE FILING FEE, AS DETERMINED BY THE COURT.

17 (II) UNLESS A WAIVER IS GRANTED UNDER SUBSECTION (C) OF
 18 THIS SECTION, A FEE DETERMINED BY THE COURT UNDER SUBPARAGRAPH (I) OF
 19 THIS PARAGRAPH SHALL BE AT LEAST 25 PERCENT OF THE ENTIRE FILING FEE
 20 OTHERWISE REQUIRED FOR A CIVIL ACTION.

21 (2) THE COURT MAY:

22 (I) AUTHORIZE ANY FEE TO BE PAID OVER A SPECIFIC PERIOD OF
 23 TIME; AND

24 (II) ESTABLISH A PAYMENT SCHEDULE.

25 ~~(2) (3) UNTIL ANY APPLICABLE FILING FEE IS PAID IN FULL OR~~
 26 ~~WAIVED UNDER SUBSECTION (D) OF THIS SECTION, SERVICE OF THE COMPLAINT~~
 27 ~~SHALL BE WITHHELD, DISCOVERY MAY NOT COMMENCE, AND OTHER~~
 28 ~~PROCEEDINGS MAY NOT BE CONVENED.~~

29 (B) IN ESTABLISHING THE AMOUNT OF THE FILING FEE TO BE PAID UNDER
 30 SUBSECTION (A) OF THIS SECTION, THE COURT SHALL CONSIDER, BASED ON
 31 INFORMATION IN THE COMPLAINT AND PROVIDED BY THE PRISONER:

32 (1) THE SERIOUSNESS OF THE CLAIM;

33 (2) THE LIKELIHOOD OF SUCCESS;

34 (3) THE URGENCY OF CONSIDERATION;

35 (4) THE AMOUNT OF FUNDS AVAILABLE IN ANY INSTITUTIONAL
 36 ACCOUNT AND ANY ACCOUNT OUTSIDE OF THE INSTITUTION;

37 (5) THE EMPLOYMENT STATUS OF THE PRISONER IN THE INSTITUTION
 38 AND INCOME FROM THE EMPLOYMENT;

5

1 (6) ANY FINANCIAL OBLIGATIONS OF THE PRISONER; AND

2 (7) THE LENGTH OF TIME THAT IS LIKELY TO PASS BEFORE THE FILING
3 FEE THAT IS IMPOSED IS ABLE TO BE PAID.

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

8 ~~(2) THE CERTIFIED COPY OF THE TRANSACTION AND BALANCE~~
9 ~~RECORD SHALL BE OBTAINED FROM THE CUSTODIAN.~~

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

13 ~~(2) THE CONSENT FORM SHALL CONTAIN:~~

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

15 ~~(II) A STATEMENT THAT THE PRISONER IMMEDIATELY~~
16 ~~AUTHORIZES THE PRISONER'S CUSTODIAN TO FORWARD TO THE CLERK FOR~~
17 ~~APPLICATION TOWARD PAYMENT OF THE FEE ALL MONEYS CURRENTLY IN THE~~
18 ~~PRISONER'S ACCOUNT THAT ARE NOT BELOW THE WELFARE COMMISSARY LEVEL;~~
19 ~~AND~~

20 ~~(III) A SIGNATURE LINE FOR THE PRISONER TO SIGN THE CONSENT~~
21 ~~FORM.~~

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

24 ~~(II) ON RECEIPT OF THE SIGNED CONSENT FORM FROM THE~~
25 ~~CLERK, THE CUSTODIAN SHALL REMIT TO THE CLERK THE FULL FEE DUE IF THE~~
26 ~~PRISONER'S ACCOUNT HAS SUFFICIENT FUNDS ABOVE THE WELFARE COMMISSARY~~
27 ~~LEVEL OR ALL FUNDS ABOVE THE WELFARE COMMISSARY LEVEL IF INSUFFICIENT~~
28 ~~FUNDS FOR FULL PAYMENT ARE AVAILABLE.~~

29 ~~(III) 1. IF THE PRISONER DOES NOT HAVE SUFFICIENT FUNDS~~
30 ~~FOR THE FULL FILING FEE IN THE PRISONER'S ACCOUNT, THE CUSTODIAN SHALL~~
31 ~~FORWARD TO THE CLERK ALL FUNDS IN THE PRISONER'S ACCOUNT UP TO THE~~
32 ~~WELFARE COMMISSARY LEVEL AND THE CLERK SHALL APPLY THE SUM AGAINST~~
33 ~~THE FULL FILING FEE.~~

34 ~~2. SUBSEQUENT TO THE CUSTODIAN TAKING ACTION~~
35 ~~UNDER ITEM 1 OF THIS SUBPARAGRAPH, THE CUSTODIAN SHALL, ON A MONTHLY~~
36 ~~BASIS, SEND TO THE CLERK ALL FUNDS ABOVE THE WELFARE COMMISSARY LEVEL~~
37 ~~UNTIL THE FULL FILING FEE IS PAID.~~

38 ~~(4) THE CUSTODIAN MAY SET ASIDE OR FREEZE ANY MONEY~~
39 ~~DEPOSITED INTO THE PRISONER'S ACCOUNT FOR FORWARDING TO THE CLERK~~

6

1 ~~EACH TIME THE PRISONER'S ACCOUNT BALANCE EXCEEDS THE WELFARE~~
 2 ~~COMMISSARY LEVEL.~~

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

6 ~~(D)~~ (C) A COURT MAY WAIVE PAYMENT OF THE ENTIRE REQUIRED FILING
 7 FEE FOR A CIVIL ACTION FILED BY A PRISONER ONLY ON A WRITTEN SHOWING
 8 UNDER OATH BY THE PRISONER THAT:

9 (1) THE PRISONER IS INDIGENT;

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

11 (3) DELAY IN THE CONSIDERATION OF THE ISSUES PRESENTED WILL
 12 PREJUDICE THE CONSIDERATION OF THE CLAIM;

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

15 (5) THE PRISONER POSSESSES A REASONABLE LIKELIHOOD OF SUCCESS
 16 ON THE MERITS OF THE CLAIM.

17 (D) IF A PRISONER PREVAILS IN AN ACTION, THE FILING FEE THAT IS PAID BY
 18 THE PRISONER SHALL BE REIMBURSED TO THE PRISONER BY THE DEFENDANT
 19 THROUGH COSTS AWARDED BY THE COURT.

20 5-503.

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

24 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, AN
 25 ADMINISTRATIVE REMEDY IS EXHAUSTED WHEN THE PRISONER HAS PURSUED TO
 26 COMPLETION ALL APPROPRIATE PROCEEDINGS FOR APPEAL OF THE
 27 ADMINISTRATIVE DISPOSITION, INCLUDING ANY AVAILABLE PROCEEDINGS FOR
 28 JUDICIAL REVIEW ~~AND DISMISSAL WITHOUT CONSIDERATION OF THE MERITS OF~~
 29 ~~THE CLAIM.~~

30 (3) ~~AN ADMINISTRATIVE REMEDY IS NOT EXHAUSTED IF JUDICIAL~~
 31 REVIEW FOLLOWING ADMINISTRATIVE CONSIDERATION SHALL BE THE EXCLUSIVE
 32 JUDICIAL REMEDY FOR ANY GRIEVANCE OR COMPLAINT WITHIN THE SCOPE OF
 33 THE ADMINISTRATIVE PROCESS, UNLESS THE PRISONER'S COMPLAINT OR
 34 GRIEVANCE WAS FOUND TO BE MERITORIOUS AND MONETARY DAMAGES WERE
 35 NOT AVAILABLE THROUGH THE ADMINISTRATIVE REMEDY AVAILABLE TO THE
 36 PRISONER.

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

40 (2) THE ATTACHMENT SHALL INCLUDE PROOF:

7

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

3 (II) OF THE ADMINISTRATIVE DISPOSITION OF THE COMPLAINT OR
4 GRIEVANCE; AND

5 (III) THAT THE PRISONER HAS APPEALED THE ADMINISTRATIVE
6 DISPOSITION TO THE APPROPRIATE AUTHORITY, INCLUDING PROOF OF JUDICIAL
7 REVIEW, IF AVAILABLE.

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

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

16 5-504.

17 (A) ~~(A)~~ PRIOR TO SERVICE OF PROCESS OF THE PRISONER'S CIVIL ACTION,
18 THE COURT ~~SHALL~~ MAY REVIEW THE PRISONER'S INITIAL COMPLAINT AND
19 IDENTIFY ANY COGNIZABLE CLAIMS.

20 ~~(2)~~ (B) AFTER REVIEWING THE PRISONER'S COMPLAINT, THE COURT
21 MAY DISMISS THE CIVIL ACTION, OR ANY PORTION THEREOF, WITH OR WITHOUT
22 PREJUDICE, IF IT FINDS THAT THE CIVIL ACTION:

23 ~~(1)~~ (1) IS FRIVOLOUS, MALICIOUS, OR FAILS TO STATE A CLAIM
24 FOR WHICH RELIEF CAN BE GRANTED;

25 ~~(2)~~ (2) SEEKS MONETARY DAMAGES FROM A DEFENDANT WHO
26 IS IMMUNE FROM SUCH RELIEF; OR

27 ~~(3)~~ (3) IS BARRED UNDER § 5-503(A) OF THIS SUBTITLE.

28 ~~(3)~~ (C) AN ORDER OF DISMISSAL UNDER ~~PARAGRAPH (2)(I) OR (II) OF~~
29 ~~THIS SUBSECTION~~ SUBSECTION (B)(1) OR (2) OF THIS SECTION MAY BE ISSUED
30 WITHOUT FIRST REQUIRING PROOF OF EXHAUSTION.

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

35 ~~(II) IF THE PRISONER HAS CONSENTED TO PAYMENT AND~~
36 ~~COLLECTION OF THE COURT'S FILING FEE UNDER § 5-502 OF THIS SUBTITLE, THE~~
37 ~~CLERK AND THE CUSTODIAN SHALL CONTINUE WITH THE COLLECTION PROCESS~~
38 ~~DESCRIBED IN § 5-502 OF THIS SUBTITLE, UNTIL THE FULL FILING FEE OF THE COURT~~
39 ~~IS PAID, NOTWITHSTANDING THE COURT'S DISMISSAL OF THE PRISONER'S CIVIL~~
40 ~~ACTION.~~

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

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

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

12 5-505.

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

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

17 (C) (1) A PRISONER WHO HAS FILED THREE OR MORE CIVIL ACTIONS THAT
18 HAVE BEEN DECLARED TO BE FRIVOLOUS BY A COURT OF THIS STATE OR A
19 FEDERAL COURT FOR A CASE ORIGINATING IN THIS STATE MAY NOT FILE ANY
20 FURTHER CIVIL ACTIONS WITHOUT LEAVE OF COURT.

21 (2) IF A PRISONER HAS FILED THREE OR MORE CIVIL ACTIONS THAT
22 HAVE BEEN DECLARED TO BE FRIVOLOUS BY A COURT OF THIS STATE OR A
23 FEDERAL COURT FOR A CASE ORIGINATING IN THIS STATE, A COURT MAY PLACE
24 THE PRISONER'S REMAINING AND FUTURE CIVIL ACTIONS ON AN INACTIVE CASE
25 LIST AND PERMIT THE PRISONER TO PURSUE ONLY ONE CIVIL ACTION AT A TIME,
26 REGARDLESS OF JURISDICTION.

27 5-506.

28 ~~(A) (1) ANY COMPENSATORY OR PUNITIVE DAMAGES AWARDED TO A~~
29 ~~PRISONER IN CONNECTION WITH A CIVIL ACTION SHALL BE PAID DIRECTLY TO~~
30 ~~SATISFY ANY OUTSTANDING RESTITUTION ORDER OR CHILD SUPPORT ORDER~~
31 ~~PENDING AGAINST THE PRISONER.~~

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

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

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

1 ~~(B) IF A PRISONER IS AWARDED COMPENSATORY OR PUNITIVE DAMAGES~~
2 ~~FOR A CIVIL ACTION, THE PRISONER'S CUSTODIAN SHALL NOTIFY, IN WRITING, THE~~
3 ~~VICTIM OR VICTIMS OF THE CRIME FOR WHICH THE PRISONER IS INCARCERATED~~
4 ~~AND THE RECIPIENT OR RECIPIENTS OF ANY CHILD SUPPORT OBLIGATION FOR~~
5 ~~WHICH THE PRISONER IS RESPONSIBLE.~~

6 ~~5-507.~~

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

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

12 ~~(2) THE PRISONER TESTIFIED FALSELY OR KNOWINGLY PRESENTED~~
13 ~~FALSE EVIDENCE OR FALSE INFORMATION TO THE COURT.~~

14 ~~5-508.~~

15 ~~A PRISONER MAY NOT MAINTAIN A CIVIL ACTION IF THE SOLE INJURY TO THE~~
16 ~~PRISONER IS ALLEGED MENTAL ANGUISH OR INJURY UNLESS THE PRISONER CAN~~
17 ~~PRESENT EVIDENCE THAT THE ALLEGED MENTAL ANGUISH OR INJURY HAS~~
18 ~~MANIFESTED ITSELF IN A PHYSICAL MANNER.~~

19 ~~5-509.~~

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

22 ~~5-510.~~

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

27 ~~5-511, 5-506.~~

28 ~~NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN A CIVIL ACTION FILED~~
29 ~~BY A PRISONER THAT IS AN APPEAL ON THE RECORD, THE COURT IS NOT REQUIRED~~
30 ~~TO HOLD A HEARING IF IT DETERMINES THAT A HEARING IS NOT NECESSARY FOR~~
31 ~~THE DISPOSITION OF THE MATTER.~~

32 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be~~
33 ~~construed prospectively to apply only to civil actions filed on or after the effective date of~~
34 ~~this Act.~~

35 ~~SECTION 2- 3.~~ AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 1997.

