

CF 7r2246

By: Senators Baker, Stone, and Jimeno ~~Jimeno~~ Jimeno, Munson, Colburn, Ferguson, Haines, and Middlebrooks

Introduced and read first time: January 31, 1997

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 14, 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 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; requiring a court to order a
 22 defendant to reimburse a prisoner for court costs and filing fees under certain
 23 circumstances; providing for the disposition of compensatory and punitive damages
 24 awarded to a prisoner in connection with a civil action filed under this Act;
 25 requiring a prisoner's custodian to notify, in a certain manner, a victim of the
 26 prisoner and a recipient of a child support obligation for which the prisoner is
 27 responsible of certain information; authorizing a court to rescind any or all of a

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1 prisoner's diminution or confinement credits under certain circumstances;
2 establishing that punitive damages awarded in a civil action filed under this Act may
3 not exceed a certain amount; establishing a transaction fee for payments forwarded
4 to the Clerk from a prisoner's account; providing that a court is not required to hold
5 a hearing under certain circumstances; defining certain terms; and generally
6 relating to civil actions filed by prisoners.

7 BY adding to

8 Article - Courts and Judicial Proceedings
9 Section 5-501 through 5-511 to be under the new subtitle "Subtitle 5. Prisoner
10 Litigation Act"
11 Annotated Code of Maryland
12 (1995 Replacement Volume and 1996 Supplement)

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

15 **Article - Courts and Judicial Proceedings**

16 SUBTITLE 5. PRISONER LITIGATION ACT.

17 5-501.

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

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

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

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

32 (2) "CIVIL ACTION" INCLUDES:

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

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

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

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

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

6 (VI) ANY APPEAL, APPLICATION FOR LEAVE TO APPEAL, OR
7 PETITION FOR CERTIORARI.

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

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

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

16 (2) "CONDITIONS OF CONFINEMENT" INCLUDES:

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

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

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

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

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

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

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

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

34 (G) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC SAFETY AND
35 CORRECTIONAL SERVICES.

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

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1 (2) "PRISONER" INCLUDES PRETRIAL DETAINEES.

2 (I) (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) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A
15 PRISONER WHO MAINTAINS A CIVIL ACTION SHALL PAY THE FULL AMOUNT OF THE
16 APPLICABLE FILING FEE.

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

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

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

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

30 (2) THE CONSENT FORM SHALL CONTAIN:

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

32 (II) A STATEMENT THAT THE PRISONER IMMEDIATELY
33 AUTHORIZES THE PRISONER'S CUSTODIAN TO FORWARD TO THE CLERK FOR
34 APPLICATION TOWARD PAYMENT OF THE FEE ALL MONEYS CURRENTLY IN THE
35 PRISONER'S ACCOUNT THAT ARE NOT BELOW THE WELFARE COMMISSARY LEVEL;
36 AND

37 (III) A SIGNATURE LINE FOR THE PRISONER TO SIGN THE CONSENT
38 FORM.

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

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

8 (III) 1. IF THE PRISONER DOES NOT HAVE SUFFICIENT FUNDS
9 FOR THE FULL FILING FEE IN THE PRISONER'S ACCOUNT, THE CUSTODIAN SHALL
10 FORWARD TO THE CLERK ALL FUNDS IN THE PRISONER'S ACCOUNT UP TO THE
11 WELFARE COMMISSARY LEVEL AND THE CLERK SHALL APPLY THE SUM AGAINST
12 THE FULL FILING FEE.

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

17 (4) THE CUSTODIAN MAY SET ASIDE OR FREEZE ANY MONEY
18 DEPOSITED INTO THE PRISONER'S ACCOUNT FOR FORWARDING TO THE CLERK
19 EACH TIME THE PRISONER'S ACCOUNT BALANCE EXCEEDS THE WELFARE
20 COMMISSARY LEVEL.

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

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

27 (1) THE PRISONER IS INDIGENT;

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

29 (3) DELAY IN THE CONSIDERATION OF THE ISSUES PRESENTED WILL
30 PREJUDICE THE CONSIDERATION OF THE CLAIM;

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

33 (5) THE PRISONER POSSESSES A REASONABLE LIKELIHOOD OF SUCCESS
34 ON THE MERITS OF THE CLAIM.

35 (E) IF A PRISONER IS A PREVAILING PARTY IN A CIVIL ACTION, THE COURT
36 SHALL ORDER THE DEFENDANT TO REIMBURSE THE PRISONER FOR COURT COSTS
37 AND FILING FEES.

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1 5-503.

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

5 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, AN
6 ADMINISTRATIVE REMEDY IS EXHAUSTED WHEN THE PRISONER HAS PURSUED TO
7 COMPLETION ALL APPROPRIATE PROCEEDINGS FOR APPEAL OF THE
8 ADMINISTRATIVE DISPOSITION, INCLUDING ANY AVAILABLE PROCEEDINGS FOR
9 JUDICIAL REVIEW ~~AND DISMISSAL WITHOUT CONSIDERATION OF THE MERITS OF~~
10 ~~THE CLAIM.~~

11 (3) ~~AN ADMINISTRATIVE REMEDY IS NOT EXHAUSTED IF JUDICIAL~~
12 REVIEW FOLLOWING ADMINISTRATIVE CONSIDERATION SHALL BE THE EXCLUSIVE
13 JUDICIAL REMEDY FOR ANY GRIEVANCE OR COMPLAINT WITHIN THE SCOPE OF
14 THE ADMINISTRATIVE PROCESS, UNLESS THE PRISONER'S COMPLAINT OR
15 GRIEVANCE WAS FOUND TO BE MERITORIOUS AND MONETARY DAMAGES WERE
16 NOT AVAILABLE THROUGH THE ADMINISTRATIVE REMEDY AVAILABLE TO THE
17 PRISONER.

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

21 (2) THE ATTACHMENT SHALL INCLUDE PROOF:

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

24 (II) OF THE ADMINISTRATIVE DISPOSITION OF THE COMPLAINT OR
25 GRIEVANCE; AND

26 (III) THAT THE PRISONER HAS APPEALED THE ADMINISTRATIVE
27 DISPOSITION TO THE APPROPRIATE AUTHORITY, INCLUDING PROOF OF JUDICIAL
28 REVIEW, IF AVAILABLE.

29 (3) ON RECEIPT OF A PRISONER'S INITIAL COMPLAINT THAT DOES NOT
30 HAVE ATTACHED TO IT PROOF THAT THE PRISONER HAS FULLY EXHAUSTED THE
31 ADMINISTRATIVE REMEDIES AVAILABLE, THE COURT SHALL DISMISS THE CASE
32 WITHOUT PREJUDICE AND GRANT THE PRISONER REASONABLE LEAVE TO AMEND
33 THE COMPLAINT AND TO PROVIDE THE PROOF NECESSARY TO DEMONSTRATE THAT
34 THE PRISONER HAS FULLY EXHAUSTED THE ADMINISTRATIVE REMEDIES.

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

37 5-504.

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

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

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

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

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

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

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

15 (II) IF THE PRISONER HAS CONSENTED TO PAYMENT AND
16 COLLECTION OF THE COURT'S FILING FEE UNDER § 5-502 OF THIS SUBTITLE, THE
17 CLERK AND THE CUSTODIAN SHALL CONTINUE WITH THE COLLECTION PROCESS
18 DESCRIBED IN § 5-502 OF THIS SUBTITLE, UNTIL THE FULL FILING FEE OF THE COURT
19 IS PAID, NOTWITHSTANDING THE COURT'S DISMISSAL OF THE PRISONER'S CIVIL
20 ACTION.

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

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

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

32 5-505.

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

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

37 5-506.

38 (A) (1) ANY COMPENSATORY OR PUNITIVE DAMAGES AWARDED TO A
39 PRISONER IN CONNECTION WITH A CIVIL ACTION SHALL BE PAID DIRECTLY TO

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1 SATISFY ANY OUTSTANDING RESTITUTION ORDER OR CHILD SUPPORT ORDER
2 PENDING AGAINST THE PRISONER.

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

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

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

13 (B) IF A PRISONER IS AWARDED COMPENSATORY OR PUNITIVE DAMAGES
14 FOR A CIVIL ACTION, THE PRISONER'S CUSTODIAN SHALL NOTIFY, IN WRITING, THE
15 VICTIM OR VICTIMS OF THE CRIME FOR WHICH THE PRISONER IS INCARCERATED
16 AND THE RECIPIENT OR RECIPIENTS OF ANY CHILD SUPPORT OBLIGATION FOR
17 WHICH THE PRISONER IS RESPONSIBLE.

18 5-507.

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

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

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

26 5-508.

27 A PRISONER MAY NOT MAINTAIN A CIVIL ACTION IF THE SOLE INJURY TO THE
28 PRISONER IS ALLEGED MENTAL ANGUISH OR INJURY UNLESS THE PRISONER CAN
29 PRESENT EVIDENCE THAT THE ALLEGED MENTAL ANGUISH OR INJURY HAS
30 MANIFESTED ITSELF IN A PHYSICAL MANNER.

31 5-509.

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

34 5-510.

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

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1 5-511.

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

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