

COMMITTEE REPORT
HOUSE OF REPRESENTATIVES
State of Oklahoma

February 12, 2002

MR. SPEAKER: We, your Committee on CRIMINAL JUSTICE

to whom was referred HOUSE BILL 2416

by: WILT and PETERSON Of the HOUSE

entitled

An Act relating to inmate lawsuits; amending 12 O.S. 2001, Section 95, which relates to limitations of actions; establishing limitation for certain actions filed by inmates; amending 12 O.S. 2001, Section 397, which relates to prisoners as witnesses or complaining or defending parties; requiring court to order payment to custodian of prisoner for costs of transportation of prisoner; prohibiting waiver of requirement to order payment of costs; amending 12 O.S. 2001, Section 2003.1, which relates to commencement of actions by inmates in penal institutions; requiring certain documents be attached to petition; modifying requirements for proceeding in forma pauperis; prohibiting the action from commencing upon certain determinations by the court; amending 57 O.S. 2001, Section 566, which relates to dismissal of civil actions initiated by inmates; adding inmates on parole; authorizing loss of earned credits by inmate upon submission of frivolous or malicious claim; requiring findings of fact and order of the court; authorizing review and recommendation by Office of Attorney General under certain circumstances; authorizing disciplinary hearing; amending 57 O.S. 2001, Section 566.1, which relates to payments and distributions from damage awards; stating funds deposited shall not be subject to attachment and garnishment procedures; requiring inmate or attorney of the inmate to provide notice regarding settlement deposit; establishing court cost payment schedule and procedures for civil actions by inmates; authorizing prisoner to pay sooner than required; authorizing dismissal of action for failure to pay fees and costs if funds are available; providing exception if prisoner is indigent; specifying information to be provided in affidavit; authorizing verification of financial information given by prisoner; stating what court shall consider for determining allegation of poverty; authorizing hearing; providing that Department of Corrections and sheriffs may adopt prisoner grievance procedures; requiring exhaustion of grievance procedure; stating procedures to be followed during grievance procedure; limiting access to certain documents; establishing time limit for filing civil action regarding adverse decision in grievance process; prohibiting certain legal actions by prisoners; limiting access of prisoners to certain records; prohibiting appointment of prisoner to serve process; prohibiting default judgment by prisoner; establishing venue for certain actions; requiring notification of Pardon and Parole Board of certain lawsuits filed by prisoners; authorizing administrative fee; exempting Department of Corrections from Article I of the Administrative Procedures Act; authorizing stay of civil proceedings filed by prisoner under certain circumstances; authorizing special report; providing for codification; providing an effective date; and declaring an emergency.

beg leave to report that we had the same under consideration and herewith return the Committee Substitute therefor with the recommendation that it

DO PASS as coauthored by Coffee (Principal Senate Author)

David B. Braddock, Chairman