Short Title: Partial Filing Fee for Prisoners.   (Public)

Sponsors: Representatives Lemmond; and Bowie.

Referred to: Judiciary I.

February 14, 1994

1   A BILL TO BE ENTITLED
2   AN ACT TO ESTABLISH A PARTIAL FILING FEE FOR PRISONERS
3   PROCEEDING AS INDIGENTS.
4   The General Assembly of North Carolina enacts:
5   Section 1. G.S. 1-110 reads as rewritten:
6   "**§ 1-110. Suit as an indigent;** ~~counsel.~~ **counsel; partial filing fee for prison inmates.**
7   (a)   Subject to the provisions of subsection (b) of this section with respect to
8   prison inmates, any ~~Any~~ superior or district court judge or clerk of the superior court
9   may authorize a person to sue as an indigent in their respective courts when the person
10 makes affidavit that he or she is unable to advance the required court costs. The clerk of
11 superior court shall authorize a person to sue as an indigent if the person makes the
12 required affidavit and meets one or more of the following criteria:
13   (1)   Receives food stamps.
14   (2)   Receives Aid to Families with Dependent Children (AFDC).
15   (3)   Receives Supplemental Security Income (SSI).
16   (4)   Is represented by a legal services organization that has as its primary
17   purpose the furnishing of legal services to indigent persons.
18   (5)   Is represented by private counsel working on the behalf of or under the
19   auspices of a legal services organization under subdivision (4) of this
20   section.
21   A superior or district court judge or clerk of superior court may authorize a person
22 who does not meet one or more of these criteria to sue as an indigent if the person is
23 unable to advance the required court costs. The court to which the summons is
24 returnable may dismiss the case and charge the court costs to the person suing as an

1 indigent if the allegations contained in the affidavit are determined to be untrue or if the
2 court is satisfied that the action is frivolous or malicious.