

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	5 - 0 - 0
Yeas:	Bonamici, Dingfelder, Kruse, Whitsett, Prozanski
Nays:	0
Exc.:	0
Prepared By:	Drew Johnston, Counsel
Meeting Dates:	2/1, 2/2, 3/30

WHAT THE MEASURE DOES: Places limits on an inmate’s ability to file small claims. Prohibits an inmate from bringing small claims actions against another inmate. Requires an inmate to serve notice and claim on the public body, additionally requiring the inmate to serve the Attorney General when the public body is a state agency. Requires the small claims department transfer the action to circuit court upon request of the public body or, in some instances, the Attorney General. Creates a right of intervention for Department of Justice attorneys or paralegals. Prohibits a court from entering a default judgment in favor of an inmate in an action against a public body unless that inmate has properly filed and served the public body. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Misuse and cost of inmates using small claims suits to get default judgments against other inmates and the Department of Corrections
- Implications of removing a legal remedy from inmates

EFFECT OF COMMITTEE AMENDMENT: Eliminates requirement that inmate exhaust administrative procedures before filing small claims. Provides that the small claims department shall transfer the action to circuit court upon request of the public body.

BACKGROUND: Currently, inmates have the same access to small claims court as the general population. Small claims court involves claims of less than \$7,500 and its cases are resolved relatively expeditiously and without need of a lawyer.

The Department of Corrections (DOC) raised the issue of exhausting internal grievance procedures in 2005 with Senate Bill 182 and House Bill 2143. Federal courts have required an inmate exhaust all administrative remedies prior to initiating a civil rights action against a public body. Proponents assert that limits on grievances will reduce fraudulent claims by inmates and the workload and cost for the courts, DOC, and the Department of Justice.