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TESTIMONY ON AB 188
JULIE A. SLABAUGH
DEPUTY ATTORNEY GENERAL

I. INTRODUCTION

AB 188 seeks to amend the In Forma Pauperis Statute as it applies to inmates incarcerated in the Nevada Department of Corrections (NDOC) and in county jails. AB 188 mirrors the procedure followed in Federal courts since the enactment of the Prison Litigation Reform Act of 1996 (codified at 28 U.S.C. §1915). This bill would require inmates to pay the same filing fee that a law abiding citizen has to pay in order to file a civil lawsuit in state court. The only difference is that an inmate would be allowed to make monthly payments toward the filing fee until it is paid in full.

Since the enactment of the PLRA in 1996 we have seen a reduction in inmate cases handled by the Office of the Attorney General in Federal court and an increase in State court cases. In 1995 225 new Federal inmate cases were opened by our office, in 2002 only 72 new Federal inmate cases were opened. In contrast, in 1995 26 state court cases were opened by our office and in 2002, 40 were opened. If small claims cases are included a total of 68 state cases were opened.

II. PROCEDURE

Under AB 188 an inmate would be required to make payments towards the filing fee based on a percentage of his inmate account balance at NDOC. Since AB 188 mirrors federal law the NDOC already has the procedures in place to deduct the payments from an inmate's account and submit them to the courts.

An inmate who wants to file a lawsuit would submit a Financial Certificate Request Form to the Inmate Services Division. Inmate Services records the inmate's current account balance

ASSEMBLY JUDICIARY
DATE: 3/13/03 ROOM: 3138 EXHIBIT F
SUBMITTED BY: JULIE SLABAUGH

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