



House of Representatives

General Assembly

File No. 738

January Session, 2013

Substitute House Bill No. 6692

House of Representatives, May 6, 2013

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE COURT'S AUTHORITY TO DENY AN APPLICATION FOR THE WAIVER OF COURT FEES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 52-259b of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2013*):

4 (c) Nothing in this section shall preclude the court from (1) finding
5 that a person whose income does not meet the criteria of subsection (b)
6 of this section is indigent and unable to pay a fee or fees or the cost of
7 service of process, or (2) denying an application for the waiver of the
8 payment of a fee or fees or the cost of service of process when the court
9 finds that (A) the applicant has repeatedly filed actions with respect to
10 the same or similar matters and such filings establish an extended
11 pattern of filings that have been so without merit as to be deemed
12 frivolous and an abuse of judicial process, (B) the application before
13 the court is consistent with the applicant's previous pattern of
14 frivolous filings, (C) the application is sought in connection with an

15 action that, on its face, fails to state a cognizable claim for which relief
16 may be granted and would likely be dismissed by the court as
17 frivolous, and (D) the granting of such application would constitute an
18 egregious misuse of Judicial Branch resources. If an application for the
19 waiver of the payment of a fee or fees or the cost of service of process
20 is denied, the court clerk shall, upon the request of the applicant,
21 schedule a hearing on the application.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	52-259b(c)

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Judicial Dept.	GF - Potential Revenue Gain	See Below	See Below

Municipal Impact: None

Explanation

The bill allows the court to deny an indigent person's application for a waiver of court and service of process fees in civil actions if certain criteria are met. In the event that these criteria are met and the waiver is denied and the indigent person chooses to pay the court fees, this bill may result in a potential minimal revenue gain.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 6692*****AN ACT CONCERNING THE COURT'S AUTHORITY TO DENY AN APPLICATION FOR THE WAIVER OF COURT FEES.*****SUMMARY:**

This bill allows the court to deny an indigent person's application for waiver of court and service of process fees if:

1. the applicant has an extended pattern of filings on the same or similar matters that have been without merit and deemed frivolous and an abuse of the judicial process;
2. the current application is consistent with the pattern of frivolous filings;
3. the associated case does not, on its face, state a claim for which relief could be granted and would likely be dismissed by the court as frivolous; and
4. granting the waiver would be an egregious misuse of the Judicial Branch resources.

The law, unchanged by the bill, requires the court to grant a hearing on a denied fee waiver application if the applicant requests one.

EFFECTIVE DATE: October 1, 2013

BACKGROUND***Waiver of Fees for Indigent Party***

By law, the court must waive fees in a civil or criminal matter if it finds that the party applying for a waiver is unable to pay the fees, in which case the state must pay the cost. The court must waive the costs if the person:

1. receives public assistance,
2. has net income that is 125% or less of the federal poverty level,
or
3. is otherwise determined by the court to be indigent.

Public assistance includes state-administered general assistance, temporary family assistance, aid to the aged, blind and disabled, supplemental nutrition assistance, and Supplemental Security Income.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 44 Nay 0 (04/19/2013)