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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2660

- 03/03/2014 Authored by Hortman, Scott and Pugh
The bill was read for the first time and referred to the Committee on Judiciary Finance and Policy
- 03/27/2014 Adoption of Report: Amended and Placed on the General Register
Read Second Time
- 04/22/2014 Calendar for the Day
Read Third Time
Passed by the House and transmitted to the Senate

1.1 A bill for an act
1.2 relating to courts; amending partial payment or reimbursement of costs from a
1.3 party proceeding in forma pauperis; amending Minnesota Statutes 2012, section
1.4 563.01, subdivision 3, by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2012, section 563.01, subdivision 3, is amended to read:

1.7 Subd. 3. **Authorization of forma pauperis.** (a) Any court of the state of Minnesota
1.8 or any political subdivision thereof may authorize the commencement or defense of any
1.9 civil action, or appeal therein, without prepayment of fees, costs and security for costs by
1.10 a natural person who makes affidavit stating (a) the nature of the action, defense or appeal,
1.11 (b) a belief that affiant is entitled to redress, and (c) that affiant is financially unable to
1.12 pay the fees, costs and security for costs.

1.13 (b) Upon a finding by the court that the action is not of a frivolous nature, the court
1.14 shall allow the person to proceed in forma pauperis if the affidavit is substantially in the
1.15 language required by this subdivision and is not found by the court to be untrue. Persons
1.16 meeting the requirements of this subdivision include, but are not limited to, a person
1.17 who is receiving public assistance described in section 550.37, subdivision 14, who is
1.18 represented by an attorney on behalf of a civil legal services program or a volunteer
1.19 attorney program based on indigency, or who has an annual income not greater than 125
1.20 percent of the poverty line established under United States Code, title 42, section 9902(2),
1.21 except as otherwise provided by section 563.02.

1.22 (c) If, at ~~or following~~ commencement of the action, the court finds that a party is or
1.23 ~~becomes~~ does not meet the eligibility criteria under paragraph (b), but the court also finds
1.24 that the party is not able to pay all or a portion of the fees, costs, and security for costs, the

2.1 court may order payment of a fee of \$75 ~~or reimbursement~~ or partial payment of ~~all or a~~
2.2 ~~portion~~ of the fees, costs, and security for costs, to be paid as directed by the court.

2.3 The court administrator shall transmit any fees or payments to the commissioner of
2.4 management and budget for deposit in the state treasury and credit to the general fund.

2.5 Sec. 2. Minnesota Statutes 2012, section 563.01, is amended by adding a subdivision
2.6 to read:

2.7 Subd. 8a. **Reimbursement.** Following commencement of the action, the court may
2.8 order reimbursement of all or a portion of any fees, costs, and security for costs if the
2.9 party either (1) no longer meets the eligibility criteria under subdivision 3, paragraph (b);
2.10 or (2) the amount ordered under subdivision 3, paragraph (c), is no longer appropriate
2.11 because the party is able to pay a higher amount. The reimbursement must be paid
2.12 as directed by the court.