

HOUSE BILL No. 4911

June 12, 1997, Introduced by Rep. Profit and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9948) by adding section 2964.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2964. (1) AN ACTION ALLEGING UNLAWFUL PRISON OR JAIL
2 CONDITIONS SHALL NOT BE COMMENCED IN A COURT OF THIS STATE BY A
3 PRISONER OR INMATE CONFINED IN ANY STATE CORRECTIONAL FACILITY OR
4 COUNTY JAIL UNTIL ADMINISTRATIVE REMEDIES AVAILABLE TO THE PRIS-
5 ONER OR INMATE ARE EXHAUSTED.

6 (2) A COURT IN WHICH AN ACTION DESCRIBED IN SUBSECTION (1)
7 IS BROUGHT, ON ITS OWN MOTION OR ON THE MOTION OF A PARTY TO THE
8 ACTION, SHALL DISMISS THE ACTION IF THE COURT IS SATISFIED THAT
9 THE ACTION IS FRIVOLOUS, IS MALICIOUS, FAILS TO STATE A CLAIM
10 UPON WHICH RELIEF CAN BE GRANTED, OR SEEKS MONETARY RELIEF FROM A
11 DEFENDANT WHO IS IMMUNE FROM MONETARY RELIEF.

1 (3) IF A CLAIM UNDERLYING AN ACTION DESCRIBED IN SUBSECTION
2 (1), ON ITS FACE, IS FRIVOLOUS, IS MALICIOUS, FAILS TO STATE A
3 CLAIM UPON WHICH RELIEF CAN BE GRANTED, OR SEEKS MONETARY RELIEF
4 FROM A DEFENDANT WHO IS IMMUNE FROM MONETARY RELIEF, THE COURT
5 MAY DISMISS THE UNDERLYING CLAIM WITHOUT FIRST REQUIRING THAT THE
6 PRISONER OR INMATE EXHAUST HIS OR HER ADMINISTRATIVE REMEDIES.