

One Hundred Second Legislature - Second Session - 2012

Introducer's Statement of Intent

LB793

Chairperson: Senator Brad Ashford

Committee: Judiciary

Date of Hearing: January 20, 2012

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 793 implements the Nebraska Prison Litigation Reform Act which seeks to reduce the number of frivolous lawsuits filed by inmates. Specifically, the bill would prevent inmates from filing a suit in state court at public expense if they previously brought three or more civil cases determined by a court to be frivolous. This act, modeled after the federal Prison Litigation Reform Act (PLRA), is intended to save taxpayer dollars as well as unclog state court systems.

This legislation would not prevent inmates from proceeding at public expense if they are in imminent danger of serious bodily injury.

In order to be counted toward the inmate's "three-strike" provision, all three previous civil actions declared to be frivolous must have been filed after the effective date of the Act.

The provisions of LB 793 would not apply to criminal appeals, postconviction relief, habeas corpus relief, state tort claims or judicial review of disciplinary procedures. The current three-step grievance process at the institutional level would also be unaffected.

Principal Introducer: _____

Senator Scott Lautenbaugh