

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-SEVENTH LEGISLATURE**

**S.F. No. 874**

(SENATE AUTHORS: LIMMER and Newman)

DATE	D-PG	OFFICIAL STATUS
03/17/2011	542	Introduction and first reading Referred to Judiciary and Public Safety
04/18/2011	1374a	Comm report: To pass as amended and re-refer to Finance
05/17/2011	2100	Comm report: To pass
	2101	Second reading
		HF passed, no substitution HF1023
	3599	Rule 47, returned to Finance
		See SF958, Art. 3, Sec. 4 (vetoed)
		See SF1, Art. 3, Sec. 4 (First Special Session)

1.1 A bill for an act  
1.2 relating to courts; authorizing the court to seek partial payment or reimbursement  
1.3 of costs from a party proceeding in forma pauperis; amending Minnesota Statutes  
1.4 2010, section 563.01, subdivision 3.

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

1.6 Section 1. Minnesota Statutes 2010, 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 who  
1.17 is receiving public assistance, who is represented by an attorney on behalf of a civil legal  
1.18 services program or a volunteer attorney program based on indigency, or who has an  
1.19 annual income not greater than 125 percent of the poverty line established under United  
1.20 States Code, title 42, section 9902(2), except as otherwise provided by section 563.02.

1.21 (c) If, at or following commencement of the action, the party is or becomes able to  
1.22 pay all or a portion of the fees, costs, and security for costs, the court may order payment  
1.23 of a fee of \$75 or reimbursement or partial payment of all or a portion of the fees, costs,  
1.24 and security for costs, to be paid as directed by the court.

**S.F. No. 874, 1st Engrossment - 87th Legislative Session (2011-2012) [S0874-1]**

- 2.1 The court administrator shall transmit any fees or payments to the commissioner of  
2.2 management and budget for deposit in the state treasury and credit to the general fund.
- 2.3 **EFFECTIVE DATE.** This section is effective July 1, 2011.