

**453.190 "Poor person" defined -- When allowed to sue without paying costs --
Application required -- Treatment of inmates.**

- (1) A court shall allow a poor person residing in this state to file or defend any action or appeal therein without paying costs, whereupon he shall have any counsel that the court assigns him and shall have from all officers all needful services and process, including the preparation of necessary transcripts for appeal, without any fees, except such as are included in the costs recovered from the adverse party, and shall not be required to post any bond except in an amount and manner reasonable under the circumstances of his poverty.
- (2) A "poor person" means a person who is unable to pay the costs and fees of the proceeding in which he is involved without depriving himself or his dependents of the necessities of life, including food, shelter, or clothing.
- (3) Application to proceed without payment of costs and fees, pursuant to subsection (1) herein, shall be made by motion supported by the affidavit of the applicant stating the reasons that he is unable to pay the costs and fees or give security therefor.
- (4) No inmate shall be automatically allowed to proceed through the courts in forma pauperis by virtue of his status as an inmate, nor shall his incarceration lead to a presumption of impoverishment, or constitute evidence of a rebuttable presumption of impoverishment.
- (5) A court may consider the value of all of the benefits an inmate receives by virtue of his incarceration and for which the inmate has not monetarily reimbursed the Commonwealth, including, among other things, the value of his room, board, medical care, dental care, recreational programming, educational opportunities offered to the inmate, legal services provided to the inmate without cost, clothing, laundry, guard protection services, or any other benefit similarly conferred upon the inmate.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 118, sec. 4, effective July 15, 1996. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 472, effective January 2, 1978. -- Amended 1958 Ky. Acts ch. 126, sec. 44, effective June 19, 1958. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 884.