

TITLE 7: CIVIL PROCEDURE
DIVISION 3: TRIAL

§ 3205. Proceedings When Persons Unable to Pay Fees.

(a) The court may authorize the commencement, prosecution or defense of any case, action or proceeding, civil or criminal, or any appeal therein, without prepayment of fees for serving of process, jury fees, witness fees or filing fees, or giving security therefore by a citizen or permanent resident of the Commonwealth who makes a statement under oath that he or she is unable to pay the fees or given security for them. This statement under oath shall state the nature of the case, action, or proceedings, defense, or appeal, and that the person making the statement believes that he or she is entitled to relief.

(b) The court officers and the designated police officer shall issue and serve all process, and perform all duties in such cases without prepayment of fees or the giving of security for them. Witnesses shall attend as in other cases.

(c) The court may dismiss the case, action or proceeding if the statement that the person is unable to pay fees is untrue, or if the court is satisfied that the case, action or proceeding is malicious or has no substantial basis.

(d) The court or judge before whom any criminal case is pending may order at any time that a witness summons be issued and served without prepayment of fees upon request of an accused who cannot pay witness fees. The request shall be supported by a statement under oath in which the accused shall state the name and address of each witness and the testimony which the prospective witness is expected by the accused to give if summoned, and shall show that the evidence of the witness is material to the defense, that the accused cannot safely go to the trial without the witness and that the accused is actually unable to pay the fees of the witness. If the court or judge orders the witness summons to be issued and served without prepayment of fees, the fees of the witness so summoned shall be paid in the same manner in which similar fees are paid in case of a witness summoned on behalf of the government.

Source: 6 TTC § 404.