

HOUSE BILL REPORT

HB 1025

As Passed Legislature

Title: An act relating to the limitation of actions brought by prisoners.

Brief Description: Regarding the limitation of actions brought by prisoners.

Sponsors: Representatives Ludwig, Padden, Riley, Kremen, Appelwick, Mielke, Romero, Dyer, Jones, Kessler, Orr, Karahalios, R. Meyers, Brough, Carlson, Ballasiotes, Jacobsen, Forner, Silver, Dorn and Chappell.

Brief History:

Reported by House Committee on:
Judiciary, January 29, 1993, DP;
Passed House, February 12, 1993, 95-0;
Amended by Senate;
Passed Legislature, April 19, 1993, 96-0.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 15 members:
Representatives Appelwick, Chair; Ludwig, Vice Chair;
Padden, Ranking Minority Member; Ballasiotes, Assistant
Ranking Minority Member; Campbell; Chappell; Forner;
Johanson; Long; Mastin; H. Myers; Riley; Scott; Tate; and
Wineberry.

Staff: Margaret Allen (786-7191).

Background: Under state law, a statute of limitation is tolled for a person with one or more enumerated disabilities, including imprisonment for a term less than his or her natural life. Thus, a prisoner need not bring a lawsuit within the ordinary time limit.

In Bianchi v. Bellingham, 909 F.2d 1316 (9th Cir. 1990), the Court of Appeals for the Ninth Circuit applied the Washington State tolling statute to a federal civil rights action brought by a prisoner serving a life sentence. The court reasoned that since the prisoner's life sentence was not without possibility of parole, the term was for less than his natural life. The result was that the prisoner's action, brought more than nine years after the events

complained about occurred, was not barred by the lapse of time.

Summary of Bill: Imprisonment under sentence is removed as a disability in the tolling statute. Imprisonment while charged with a criminal offense, and imprisonment following conviction but prior to sentencing, remain disabilities under the tolling statute.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The reasons for including imprisonment as a disability in a tolling statute are no longer valid. Prisoners have greater access to the legal system than before, including access to law libraries.

Testimony Against: None.

Witnesses: John Crawford, Washington Counties Risk Pool (supports).