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**SUBSTITUTE HOUSE BILL 1037**

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**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** House Judiciary (originally sponsored by Representatives Ross, Johnson, Bailey, Upthegrove, Hurst, Armstrong, Walsh, Hinkle, Angel, Warnick, Schmick, Short, Klippert, Dammeier, McCune, Fagan, Nealey, Blake, Ladenburg, Kristiansen, Pearson, Tharinger, and Moeller; by request of Attorney General)

READ FIRST TIME 02/01/11.

1       AN ACT Relating to restrictions on legal claims initiated by  
2 persons serving criminal sentences in correctional facilities; and  
3 adding a new section to chapter 4.24 RCW.

4       BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5       NEW SECTION.   **Sec. 1.** A new section is added to chapter 4.24 RCW  
6 to read as follows:

7       If a person serving a criminal sentence in a federal, state, local,  
8 or privately operated correctional facility seeks leave to proceed in  
9 state court without payment of filing fees in any civil action or  
10 appeal against the state, a state or local governmental agency or  
11 entity, or a state or local official, employee, or volunteer acting in  
12 such capacity, except an action that, if successful, would affect the  
13 duration of the person's confinement, the court shall deny the request  
14 for waiver of the court filing fees if the person has, on three or more  
15 occasions while incarcerated or detained in any such facility, brought  
16 an action or appeal that was dismissed by a state or federal court on  
17 grounds that it was frivolous or malicious. One of the three previous  
18 dismissals must have involved an action or appeal commenced after the  
19 effective date of this section. A court may permit the person to

1 commence the action or appeal without payment of filing fees if the  
2 court determines the person is in imminent danger of serious physical  
3 injury.

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