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HOUSE BILL 1037

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State of Washington

62nd Legislature

2011 Regular Session

**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

Prefiled 12/15/10. Read first time 01/10/11. Referred to Committee on Judiciary.

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 state, local, or  
8 privately operated correctional facility seeks leave to proceed in any  
9 legal action in any state court at public expense, the court shall deny  
10 the request and dismiss any action, appeal, or special proceeding,  
11 commenced by the person if that person has, on three or more prior  
12 occasions, while he or she was incarcerated, imprisoned, confined, or  
13 detained in a state, local, or privately operated correctional  
14 facility, brought an appeal, legal action, or special proceeding that  
15 was dismissed by a state or federal court on the grounds that it was  
16 frivolous, malicious, or failed to state a claim upon which relief may  
17 be granted. The court may permit the person to commence the action or

1 special proceeding, notwithstanding this section, if the court  
2 determines the person is in imminent danger of serious physical injury.

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