

SHB 2102 - S COMM AMD
By Committee on Law & Justice

ADOPTED 03/06/2014

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A RCW
4 to read as follows:

5 (1) A person convicted and confined for any of the offenses set
6 forth in subsection (3) of this section must, prior to commencing any
7 civil action in state court against the victim of such offense, or the
8 victim's family, first obtain an order authorizing such action to
9 proceed from the sentencing judge, if available, or the presiding judge
10 in the county of conviction.

11 (2) This section does not apply to an action brought under Title 26
12 RCW.

13 (3) This section applies to persons convicted and confined for any
14 serious violent offense as defined in RCW 9.94A.030.

15 (4) A court may refuse to authorize an action, or a claim contained
16 therein, to proceed if the court finds that the action, or claim, is
17 frivolous or malicious. In determining whether an action, or a claim
18 asserted therein, is frivolous or malicious, the court may consider,
19 among other things, whether:

20 (a) The claim's realistic chance of ultimate success is slight;

21 (b) The claim has no arguable basis in law or in fact;

22 (c) It is clear that the party cannot prove facts in support of the
23 claim;

24 (d) The claim has been brought with the intent to harass the
25 opposing party; or

26 (e) The claim is substantially similar to a previous claim filed by
27 the inmate because the claim arises from the same operative facts.

28 (5) For purposes of this section, "victim's family" includes a
29 victim's spouse, domestic partner, children, parents, and siblings.

1 (6) Failure to obtain the authorization required by this section
2 prior to commencing an action may result in loss of early release time
3 or other privileges, or some combination thereof. The department may
4 exercise discretion to determine whether and how the loss may be
5 applied, and the amount of reduction of early release time, loss of
6 other privileges, or some combination thereof. The department shall
7 adopt rules to implement the provisions of this subsection."

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8 On page 1, line 1 of the title, after "victims;" strike the
9 remainder of the title and insert "and adding a new section to chapter
10 9.94A RCW."

EFFECT: Providing the Department of Corrections discretion to
determine an amount of loss of early release time, other privileges, or
some combination thereof.

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