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## Judiciary Committee

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### HB 2102

**Title:** An act relating to civil suits by prisoners against victims.

**Brief Description:** Requiring a prisoner to seek authorization from a court before commencing a civil action against the victim of the prisoner's crimes.

**Sponsors:** Representatives Sawyer, Muri, Kirby, Zeiger, Fey, Seaquist, Green, Morrell, Jinkins, Lias, Van De Wege, Ryu and Bergquist.

#### Brief Summary of Bill

- Requires a person convicted and confined for any serious violent offense to obtain court authorization before filing most court actions against the victim or victim's family.
- Provides that failure to obtain prior authorization results in loss of all early release time.

**Hearing Date:** 1/16/14

**Staff:** Cece Clynych (786-7195).

#### Background:

A "serious violent offense" is a subcategory of "violent offense" and means:

- murder in the first or second degree;
- homicide by abuse;
- manslaughter in the first degree;
- assault in the first degree;
- kidnapping in the first degree;
- rape in the first degree;
- assault of a child in the first degree; or
- an attempt, criminal solicitation, or criminal conspiracy to commit one of these crimes.

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Sentences for such offenses range from 51 months up to life.

Inmates may shorten their sentence time, if they display good behavior, through a program called earned early release. The crime committed, date of conviction, and the offender's risk classification determines the maximum percentage of time off the sentence an offender may earn. Offenders who are convicted of certain offenses are eligible to be released to community custody in lieu of earned early release. Prison misbehavior may result in the loss of earned early release time credit.

**Summary of Bill:**

A person convicted and confined for any serious violent offense is required to first obtain a court order of authorization, from the presiding judge in the county of conviction, before filing most court actions against the victim of the offense, or the victim's family. Failure to obtain the authorization prior to commencing such an action results in loss of all early release time.

Prior authorization is not required for actions brought under Title 26 RCW, which includes a variety of chapters concerning domestic relations such as dissolution, child custody, child support, parentage, and adoption.

"Victim's family" is defined to include a victim's spouse, domestic partner, children, parents, and siblings.

The court may refuse to authorize a claim or action if the court finds that it is frivolous or malicious. Factors that the court may consider in making this determination include whether:

- the claim's realistic chance of ultimate success is slight;
- the claim has no arguable basis in law or in fact;
- it is clear that the party cannot prove facts in support of the claim;
- the claim has been brought with the intent to harass the opposing party; or
- the claim is substantially similar to a previous claim filed by the inmate because the claim arises from the same operative facts.

**Appropriation:** None.

**Fiscal Note:** Requested on January 13, 2014.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.