

FINAL BILL REPORT

SHB 2102

C 113 L 14

Synopsis as Enacted

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: House Committee on Judiciary (originally sponsored by Representatives Sawyer, Muri, Kirby, Zeiger, Fey, Seaquist, Green, Morrell, Jinkins, Liias, Van De Wege, Ryu and Bergquist).

House Committee on Judiciary
Senate Committee on Law & Justice

Background:

The following crimes are classified as serious violent offenses:

- 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.

Standard range sentences for such offenses range from 51 months up to life.

Through a program called earned early release, offenders may shorten their sentence time if they display good behavior. The crime committed, date of conviction, and the offender's risk classification determine 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. Loss of early release time and other privileges are governed by rules adopted by the Department of Corrections (DOC).

Summary:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A person convicted and confined for any serious violent offense is required to first obtain a court order of authorization, from the sentencing or presiding judge in the county of conviction, before filing most actions in state court against the victim of the offense or the victim's spouse, domestic partner, children, parents, or siblings. Prior authorization is not required for domestic relations actions such as dissolution, child custody, child support, parentage, and adoption.

Failure to obtain the authorization prior to commencing such an action results in loss of early release time or other privileges. The DOC must develop rules, and may exercise discretion to determine whether and how the loss may be applied and the amount of reduction of early release time, loss of other privileges, or a combination of the two.

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.

Votes on Final Passage:

House	97	0	
Senate	49	0	(Senate amended)
House	94	0	(House concurred)

Effective: June 12, 2014