
SUBSTITUTE HOUSE BILL 2102

State of Washington

63rd Legislature

2014 Regular Session

By House Judiciary (originally sponsored by Representatives Sawyer, Muri, Kirby, Zeiger, Fey, Sequist, Green, Morrell, Jinkins, Lias, Van De Wege, Ryu, and Bergquist)

READ FIRST TIME 01/23/14.

1 AN ACT Relating to civil suits by prisoners against victims; and
2 adding a new section to chapter 9.94A RCW.

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

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

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

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

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

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

1 asserted therein, is frivolous or malicious, the court may consider,
2 among other things, whether:

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

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

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

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

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

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

13 (6) Failure to obtain the authorization required by this section
14 prior to commencing an action shall result in loss of early release
15 time or other privileges. The department shall adopt rules to
16 implement the provisions of this subsection.

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