

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2102

63rd Legislature
2014 Regular Session

Passed by the House March 10, 2014
Yeas 94 Nays 0

Speaker of the House of Representatives

Passed by the Senate March 6, 2014
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2102** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2102

AS AMENDED BY THE SENATE

Passed Legislature - 2014 Regular Session

State of Washington 63rd Legislature 2014 Regular Session

By House Judiciary (originally sponsored by Representatives Sawyer, Muri, Kirby, Zeiger, Fey, Seaquist, 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 may result in loss of early release time
15 or other privileges, or some combination thereof. The department may
16 exercise discretion to determine whether and how the loss may be
17 applied, and the amount of reduction of early release time, loss of
18 other privileges, or some combination thereof. The department shall
19 adopt rules to implement the provisions of this subsection.

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