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HOUSE BILL 2102

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State of Washington

63rd Legislature

2014 Regular Session

By Representatives Sawyer, Muri, Kirby, Zeiger, Fey, Seaquist, Green, Morrell, and Jenkins

Prefiled 12/02/13.

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 against the victim of such offense, or the victim's  
9 family, first obtain an order authorizing such action to proceed from  
10 the presiding judge 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:

- 1 (a) The claim's realistic chance of ultimate success is slight;
- 2 (b) The claim has no arguable basis in law or in fact;
- 3 (c) It is clear that the party cannot prove facts in support of the
- 4 claim;
- 5 (d) The claim has been brought with the intent to harass the
- 6 opposing party; or
- 7 (e) The claim is substantially similar to a previous claim filed by
- 8 the inmate because the claim arises from the same operative facts.
- 9 (5) For purposes of this section, "victim's family" includes a
- 10 victim's spouse, domestic partner, children, parents, and siblings.
- 11 (6) Failure to obtain the authorization required by this section
- 12 prior to commencing an action shall result in loss of all early release
- 13 time.

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