

HOUSE BILL REPORT

HB 2218

As Reported By House Committee On:

Corrections

Title: An act relating to civil actions involving offenders.

Brief Description: Forfeiting an offender's earned early release time for certain acts involving civil actions.

Sponsors: Representatives Ballasiotes, Schoesler, Radcliff, Koster, Smith, Horn, Sheahan, Thompson, Blanton, Costa, Backlund and Quall.

Brief History:

Committee Activity:

Corrections: 1/10/96, 1/19/96 [DPS].

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Schoesler and D. Sommers.

Staff: Rick Neidhardt (786-7841).

Background: Inmates serving time in a state prison or local jail may file civil actions in the state or federal courts. A concern exists that the consequences are inadequate for inmates who file frivolous lawsuits, bring or expand claims for purposes of delay or harassment, or otherwise abuse the legal process. Inmates are often indigent and might not be deterred by a monetary penalty.

Most inmates are eligible to earn time off the length of their sentences by earning early release credits. These credits may be earned through good behavior (not violating prison rules) and participation in various inmate programs, including education, treatment, counseling, and work.

Summary of Substitute Bill: If a state or federal court judge specifically finds that an inmate in a state prison or a local jail, during the course of a civil lawsuit that

concerns the prison or jail or any of its employees, has committed certain acts, then the prison or jail officials shall take away all of the inmate's earned early release credits relating to good behavior earned up to the time of the misconduct, or such a portion of these credits as the officials consider just.

The acts that can cause a reduction of an inmate's earned early release credits are as follows:

- (1) Bringing a claim without substantial justification
- (2) Bringing a claim primarily for the purpose of delay or harassment
- (3) Unreasonably expanding or delaying a proceeding
- (4) Abusing discovery
- (5) Making forged, false, or intentionally misleading documents or statements
- (6) Committing contempt

Substitute Bill Compared to Original Bill: The original bill's application to inmates in local jails was not clear. The original bill applied to any civil lawsuit filed by an inmate, rather than only those lawsuits involving the correctional agency or its employees. The original bill was phrased in terms of "bringing or defending" a claim without substantial justification or for the purpose of delay or harassment.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: None.

Testimony Against: The bill should focus on only those civil actions that an inmate brings, rather than defends, and only those that are brought against the correctional agency or any of its employees.

Testified: Jerry Sheehan, American Civil Liberties Union (neutral, with concerns).
Note: The substitute bill addresses the concerns raised by the witness.