
SUBSTITUTE SENATE BILL 6542

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Schow, Hargrove, Long and Oke)

Read first time 02/02/96.

1 AN ACT Relating to deterring the unwarranted or abusive use of the
2 offender grievance process; and adding a new section to chapter 72.09
3 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 72.09 RCW
6 to read as follows:

7 (1) In order to discourage the unwarranted or abusive use of the
8 inmate grievance system, the department of corrections shall pursue the
9 following changes to the certified inmate grievance procedure through
10 all necessary and appropriate avenues as may be required by 42 U.S.C
11 Sec. 1997e(b)(2) or 28 C.F.R. Part 40 Subpart B:

12 (a) Offenders shall be assessed a two dollar fee for any grievance
13 the department determines was not filed in good faith, except that no
14 fee shall be assessed for the first two grievances filed by an offender
15 that are found to have not been filed in good faith;

16 (b) Fees assessed under this provision shall be in addition to any
17 other disciplinary action taken by the department in response to the
18 unwarranted or abusive use of the grievance procedure;

1 (c) The fees may be deducted from an offender's institution account
2 or, if the offender is indigent, recorded as a debt against the account
3 and recouped as provided in RCW 72.09.450;

4 (d) Notice of the changes shall be provided to all current offenders
5 prior to implementation and shall be incorporated into the orientation
6 of new offenders and the written grievance procedures readily available
7 to all offenders.

8 (2) The department shall make application for the changes no later
9 than July 31, 1996, and shall report to the appropriate committees of
10 the legislature the response to the application. Upon approval of the
11 proposed changes by the United States attorney general or the attorney
12 general's designee, the department shall implement the approved changes
13 to the grievance procedure within one hundred twenty days. In the
14 event the United States attorney general or the attorney general's
15 designee indicates that any of the proposed changes would result in
16 suspension or withdrawal of the certification of the grievance
17 procedure, the department shall explore with the attorney general or
18 the attorney general's designee possible alternatives to accomplish the
19 intent of this section that would not result in suspension or
20 withdrawal of certification. The department shall include any such
21 possible alternatives in its report to the legislature.

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