

RCW 9.94A.645 Civil actions against victims by persons convicted and confined for serious violent offenses—Authorization—Court may refuse—Considerations—Result of failure to obtain authorization. (1)

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

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

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

(4) A court may refuse to authorize an action, or a claim contained therein, to proceed if the court finds that the action, or claim, is frivolous or malicious. In determining whether an action, or a claim asserted therein, is frivolous or malicious, the court may consider, among other things, whether:

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

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

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

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

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

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

(6) Failure to obtain the authorization required by this section prior to commencing an action may result in loss of early release time or other privileges, or some combination thereof. The department may exercise discretion to determine whether and how the loss may be applied, and the amount of reduction of early release time, loss of other privileges, or some combination thereof. The department shall adopt rules to implement the provisions of this subsection. [2014 c 113 s 1.]