

# SENATE BILL REPORT

## SHB 2218

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As of February 9, 1996

**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:** House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Schoesler, Radcliff, Koster, Smith, Horn, Sheahan, Thompson, Blanton, Costa, Backlund and Quall).

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/15/96.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Staff:** Andrea McNamara (786-7483)

**Background:** Offenders confined in prisons and jails retain the right to file civil lawsuits in federal and state courts challenging the terms or conditions of their confinement.

All federal and state civil lawsuits are governed by rules of civil procedure, whether filed by offenders or other citizens. The rules of civil procedure authorize judges to impose sanctions for misconduct that may occur by parties or their attorneys during the course of the lawsuit. They can be imposed either on the motion of the opposing party, or upon the court's own initiative. Sanctions most commonly requested and ordered are monetary penalties, such as assessing one party to pay related costs and attorney fees of the other party. However, sanctions may also include, but are not limited to, striking certain pleadings or evidence, and establishing or dismissing certain claims related to the misconduct.

Most offenders are eligible to earn reductions in the length of their incarceration through the earned early release program. Earned early release credits may include credit for good conduct (not violating prison rules) and good performance (successful participation in programming).

It has been suggested that because many inmates are indigent and might not be deterred by a monetary sanction, taking away their earned early release may be a more appropriate punishment for abuse of the legal process.

**Summary of Bill:** If, during the course of a civil lawsuit filed by an offender against a prison or jail, a judge finds the offender has committed certain acts, the prison or jail officials are required to take away all or a portion of the offender's good conduct time accumulated up to the time of the misconduct.

The acts for which an offender can lose good conduct time include the following: (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 the discovery process; (5) making forged, false, or intentionally misleading documents or statements; or (6) committing contempt.

**Appropriation:** None.

**Fiscal Note:** Available.

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