

HOUSE BILL REPORT

HB 1689

*As Passed House
February 13, 1992*

Title: An act relating to the limitation of actions brought by prisoners.

Brief Description: Regarding the limitation of actions brought by prisoners.

Sponsor(s): Representatives Ludwig, Padden, Sheldon, Forner, Riley, Inslee, R. Meyers, Kremen, Roland, Appelwick, Mielke, Holland, Betrozoff, Moyer, Paris, Mitchell, McLean and Orr.

Brief History:

Reported by House Committee on:
Judiciary, February 4, 1992, DP;
Passed House, February 13, 1992, 95-1.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *Do pass.* Signed by 15 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Inslee; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; and Vance.

Staff: Margaret Allen (786-7191).

Background: Under state law, a statute of limitation is tolled for a person with one or more listed disabilities, including imprisonment for a term less than his or her natural life.

The federal courts apply state statutes of limitation and tolling statutes to inmates' federal civil rights actions. In Bianchi v. Bellingham, 909 F.2d 1316 (9th Cir. 1990), the court interpreted the Washington state tolling statute as applying to a federal civil rights action brought by a prisoner serving a life sentence. The court reasoned that since the prisoner's life sentence was not without possibility of parole, the term was for less than his natural life. The result was that the prisoner's action, brought more than nine years after the events complained about occurred, was not barred by a statute of limitation.

Summary of Bill: Imprisonment is removed as a disability in the tolling statute.

Fiscal Note: Not requested.

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

Testimony For: The reasons for including imprisonment as a disability in a tolling statute have changed. Prisoners now have greater access to the legal system.

Testimony Against: None.

Witnesses: John Crawford, Washington Counties Risk Pool (supports).