

SENATE BILL REPORT

HB 1689

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 27, 1992

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

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

**HOUSE COMMITTEE ON JUDICIARY**

**SENATE COMMITTEE ON LAW & JUSTICE**

**Majority Report:** Do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, M. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

**Staff:** Dick Armstrong (786-7460)

**Hearing Dates:** February 26, 1992; February 27, 1992

**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:**

Imprisonment is removed as a disability in the tolling statute.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:**

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

**TESTIMONY AGAINST:** None

**TESTIFIED:** Randy Watts, Deputy Prosecutor, Whatcom County