

SHB 1037 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED 04/04/2011

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24 RCW  
4 to read as follows:

5 If a person serving a criminal sentence in a federal, state, local,  
6 or privately operated correctional facility seeks leave to proceed in  
7 state court without payment of filing fees in any civil action or  
8 appeal against the state, a state or local governmental agency or  
9 entity, or a state or local official, employee, or volunteer acting in  
10 such capacity, except an action that, if successful, would affect the  
11 duration of the person's confinement, the court shall deny the request  
12 for waiver of the court filing fees if the person has, on three or more  
13 occasions while incarcerated or detained in any such facility, brought  
14 an action or appeal that was dismissed by a state or federal court on  
15 grounds that it was frivolous or malicious. One of the three previous  
16 dismissals must have involved an action or appeal commenced after the  
17 effective date of this section. A court may permit the person to  
18 commence the action or appeal without payment of filing fees if the  
19 court determines the person is in imminent danger of serious physical  
20 or psychological injury."

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21 On page 1, line 2 of the title, after "facilities;" strike the

1 remainder of the title and insert "and adding a new section to chapter  
2 4.24 RCW."

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