

RCW 7.68.060 Applications for benefits—Accrual of rights.

(Effective until July 1, 2025.) (1) Except for applications received pursuant to subsection (6) of this section, no compensation of any kind shall be available under this chapter if:

(a) An application for benefits is not received by the department within three years after the date the criminal act was reported to a local police department or sheriff's office or the date the rights of beneficiaries accrued, unless the director has determined that "good cause" exists to expand the time permitted to receive the application. "Good cause" shall be determined by the department on a case-by-case basis and may extend the period of time in which an application can be received for up to five years after the date the criminal act was reported to a local police department or sheriff's office or the date the rights of beneficiaries accrued; or

(b) The criminal act is not reported by the victim or someone on his or her behalf to a local police department or sheriff's office within twelve months of its occurrence or, if it could not reasonably have been reported within that period, within twelve months of the time when a report could reasonably have been made. In making determinations as to reasonable time limits, the department shall give greatest weight to the needs of the victims.

(2) No person or spouse, child, or dependent of such person is eligible for benefits under this chapter when the injury for which benefits are sought was:

(a) The result of consent, provocation, or incitement by the victim, unless an injury resulting from a criminal act caused the death of the victim;

(b) Sustained while the crime victim was engaged in the attempt to commit, or the commission of, a felony; or

(c) Sustained while the victim was confined in any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services or the department of corrections, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services or the department of corrections.

(3) No person or spouse, child, or dependent of such person is eligible for benefits under this chapter where the person making a claim for such benefits has refused to give reasonable cooperation to state or local law enforcement agencies in their efforts to apprehend and convict the perpetrator of the criminal act which gave rise to the claim unless the director determines such cooperation may be impacted due to a victim's age, physical condition, psychological state, cultural or linguistic barriers, or any other health or safety concern that jeopardizes the victim's well-being.

(4) A victim is not eligible for benefits under this chapter if the victim:

(a) Has been convicted of a felony offense within five years preceding the criminal act for which the victim is applying where the felony offense is a violent offense under RCW 9.94A.030 or a crime against persons under RCW 9.94A.411, or is convicted of such a felony offense after the criminal act for which the victim is applying; and

(b) Has not completely satisfied all legal financial obligations owed.

(5) Because victims of childhood criminal acts may repress conscious memory of such criminal acts far beyond the age of eighteen, the rights of adult victims of childhood criminal acts shall accrue at the time the victim discovers or reasonably should have discovered the elements of the crime. In making determinations as to reasonable time limits, the department shall give greatest weight to the needs of the victim.

(6) (a) Benefits under this chapter are available to any victim of a person against whom the state initiates proceedings under chapter 71.09 RCW. The right created under this subsection shall accrue when the victim is notified of proceedings under chapter 71.09 RCW or the victim is interviewed, deposed, or testifies as a witness in connection with the proceedings. An application for benefits under this subsection must be received by the department within two years after the date the victim's right accrued unless the director determines that good cause exists to expand the time to receive the application. The director shall determine "good cause" on a case-by-case basis and may extend the period of time in which an application can be received for up to five years after the date the right of the victim accrued. Benefits under this subsection shall be limited to compensation for costs or losses incurred on or after the date the victim's right accrues for a claim allowed under this subsection.

(b) A person identified as the "minor" in the charge of commercial sexual abuse of a minor under RCW 9.68A.100, promoting commercial sexual abuse of a minor under RCW 9.68A.101, or promoting travel for commercial sexual abuse of a minor under RCW 9.68A.102 is considered a victim of a criminal act for the purpose of the right to benefits under this chapter even if the person is also charged with prostitution under RCW 9A.88.030. [2024 c 297 s 2; 2020 c 308 s 1; 2011 c 346 s 301; 2001 c 153 s 1; 1996 c 122 s 4; 1990 c 3 s 501; 1986 c 98 s 1; 1985 c 443 s 14; 1977 ex.s. c 302 s 4; 1975 1st ex.s. c 176 s 2; 1973 1st ex.s. c 122 s 6.]

Effective date—2024 c 297: See note following RCW 7.68.127.

Intent—Retroactive application—Effective date—2011 c 346: See notes following RCW 7.68.020.

Findings—Intent—1996 c 122: See note following RCW 7.68.035.

Severability—Effective date—1985 c 443: See notes following RCW 7.69.010.

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reported to a local police department or sheriff's office or the date the rights of beneficiaries accrued; or

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(c) Sustained while the victim was confined in any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services or the department of corrections, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services or the department of corrections.

(3) No person or spouse, child, or dependent of such person is eligible for benefits under this chapter where the person making a claim for such benefits has refused to give reasonable cooperation to state or local law enforcement agencies in their efforts to apprehend and convict the perpetrator of the criminal act which gave rise to the claim unless the director determines such cooperation may be impacted due to a victim's age, physical condition, psychological state, cultural or linguistic barriers, or any other health or safety concern that jeopardizes the victim's well-being.

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(6) (a) Benefits under this chapter are available to any victim of a person against whom the state initiates proceedings under chapter 71.09 RCW. The right created under this subsection shall accrue when the victim is notified of proceedings under chapter 71.09 RCW or the victim is interviewed, deposed, or testifies as a witness in connection with the proceedings. An application for benefits under this subsection must be received by the department within two years

after the date the victim's right accrued unless the director determines that good cause exists to expand the time to receive the application. The director shall determine "good cause" on a case-by-case basis and may extend the period of time in which an application can be received for up to five years after the date the right of the victim accrued. Benefits under this subsection shall be limited to compensation for costs or losses incurred on or after the date the victim's right accrues for a claim allowed under this subsection.

(b) A person identified as a minor victim of sex trafficking or as the "minor" in the charge of commercial sexual abuse of a minor under RCW 9.68A.100, promoting commercial sexual abuse of a minor under RCW 9.68A.101, or promoting travel for commercial sexual abuse of a minor under RCW 9.68A.102 is considered a victim of a criminal act for the purpose of the right to benefits under this chapter even if the person is also charged with prostitution under RCW 9A.88.030. A person identified under this subsection (6)(b) may file an application for benefits at any time, and the ineligibility factors of subsections (1) and (2) of this section do not apply to such a person. [2024 c 298 s 15; 2024 c 297 s 2; 2020 c 308 s 1; 2011 c 346 s 301; 2001 c 153 s 1; 1996 c 122 s 4; 1990 c 3 s 501; 1986 c 98 s 1; 1985 c 443 s 14; 1977 ex.s. c 302 s 4; 1975 1st ex.s. c 176 s 2; 1973 1st ex.s. c 122 s 6.]

Reviser's note: This section was amended by 2024 c 297 s 2 and by 2024 c 298 s 15, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date—2024 c 298: See note following RCW 9A.40.100.

Effective date—2024 c 297: See note following RCW 7.68.127.

Intent—Retroactive application—Effective date—2011 c 346: See notes following RCW 7.68.020.

Findings—Intent—1996 c 122: See note following RCW 7.68.035.

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