

RCW 7.68.070 Benefits—Right to and amount—Limitations. The eligibility for benefits under this chapter and the amount thereof will be governed insofar as is applicable by the provisions contained in this chapter.

(1) Each victim injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and January 1, 1983, or the victim's family or beneficiary in case of death of the victim, are eligible for benefits in accordance with this chapter, subject to the limitations under RCW 7.68.015. Except for medical benefits authorized under RCW 7.68.080, no more than forty thousand dollars shall be granted as a result of a single injury or death.

(a) Benefits payable for temporary total disability that results in financial support for lost wages shall not exceed fifteen thousand dollars.

(b) Benefits payable for a permanent total disability or fatality that results in financial support for lost wages shall not exceed forty thousand dollars. After at least twelve monthly payments have been paid, the department shall have the sole discretion to make a final lump sum payment of the balance remaining.

(2) If the victim was not gainfully employed at the time of the criminal act, no financial support for lost wages will be paid to the victim or any beneficiaries, unless the victim was gainfully employed for a total of at least twelve weeks in the six months preceding the date of the criminal act.

(3) No victim or beneficiary shall receive compensation for or during the day on which the injury was received.

(4) If a victim's employer continues to pay the victim's wages that he or she was earning at the time of the crime, the victim shall not receive any financial support for lost wages.

(5) When the director determines that a temporary total disability results in a loss of wages, the victim shall receive monthly subject to subsection (1) of this section, during the period of disability, sixty percent of the victim's monthly wage but no more than one hundred percent of the state's average monthly wage as defined in RCW 7.68.020. The minimum monthly payment shall be no less than five hundred dollars. Monthly wages shall be based upon employer wage statements, employment security records, or documents reported to and certified by the internal revenue service. Monthly wages must be determined using the actual documented monthly wage or averaging the total wages earned for up to twelve successive calendar months preceding the injury. In cases where the victim's wages and hours are fixed, they shall be determined by multiplying the daily wage the victim was receiving at the time of the injury:

- (a) By five, if the victim was normally employed one day a week;
- (b) By nine, if the victim was normally employed two days a week;
- (c) By thirteen, if the victim was normally employed three days a week;
- (d) By eighteen, if the victim was normally employed four days a week;
- (e) By twenty-two, if the victim was normally employed five days a week;
- (f) By twenty-six, if the victim was normally employed six days a week; or
- (g) By thirty, if the victim was normally employed seven days a week.

(6) When the director determines that a permanent total disability or death results in a loss of wages, the victim or eligible spouse shall receive the monthly payments established in this subsection, not to exceed forty thousand dollars or the limits established in this chapter.

(7) (a) The legal guardian or custodian of a minor victim shall receive up to thirty days of the legal guardian's or custodian's lost wages if the director determines that the legal guardian or custodian has lost wages due to any one or more of the following:

(i) The time where the legal guardian or custodian of a minor victim accompanies the minor victim to medical or counseling services related to the crime; or

(ii) The time where the legal guardian or custodian of a minor victim accompanies the minor victim to criminal justice proceedings related to the crime.

(b) Wages under this subsection shall be based on employer wage statements, employment security records, or documents reported to and certified by the internal revenue service.

(8) If the director determines that the victim is voluntarily retired and is no longer attached to the workforce, benefits shall not be paid under this section.

(9) In the case of death, if there is no eligible spouse, benefits shall be paid to the child or children of the deceased victim. If there is no spouse or children, no payments shall be made under this section. If the spouse remarries before this benefit is paid in full benefits shall be paid to the victim's child or children and the spouse shall not receive further payment. If there is no child or children no further payments will be made.

(10) The benefits for disposition of remains or burial expenses shall not exceed six thousand one hundred seventy dollars per claim. Beginning July 1, 2020, the department shall adjust the amount in this subsection (10) for inflation every three years based upon changes in the consumer price index during that time period. To receive reimbursement for expenses related to the disposition of remains or burial, the department must receive an itemized statement from a provider of services within twenty-four months of the date of the claim allowance. If there is a delay in the recovery of remains or the release of remains for disposition or burial, an itemized statement from a provider of services must be received within twenty-four months of the date of the release of the remains or of the date of the claim allowance, whichever is later.

(11) Any person who is responsible for the victim's injuries, or who would otherwise be unjustly enriched as a result of the victim's injuries, shall not be a beneficiary under this chapter.

(12) Crime victims' compensation is not available to pay for services covered under chapter 74.09 RCW or Title XIX of the federal social security act.

(13) A victim whose crime occurred in another state who qualifies for benefits under RCW 7.68.060(6) may receive appropriate mental health counseling to address distress arising from participation in the civil commitment proceedings. Fees for counseling shall be determined by the department in accordance with RCW 51.04.030, subject to the limitations of RCW 7.68.080.

(14) If the provisions of this title relative to compensation for injuries to or death of victims become invalid because of any adjudication, or are repealed, the period intervening between the occurrence of an injury or death, not previously compensated for under

this title by lump payment or completed monthly payments, and such repeal or the rendition of the final adjudication of invalidity shall not be computed as a part of the time limited by law for the commencement of any action relating to such injury or death.

(15) The benefits established in RCW 51.32.080 for permanent partial disability will not be provided to any crime victim or for any claim submitted on or after July 1, 2011. [2020 c 308 s 3; 2017 c 235 s 5; 2011 c 346 s 401. Prior: 2010 c 289 s 6; (2010 c 122 s 1 expired July 1, 2015); 2009 c 38 s 1; 2002 c 54 s 1; 1996 c 122 s 5; 1993 sp.s. c 24 s 912; 1992 c 203 s 1; 1990 c 3 s 502; 1989 1st ex.s. c 5 s 5; 1989 c 12 s 2; 1987 c 281 s 8; 1985 c 443 s 15; 1983 c 239 s 2; 1982 1st ex.s. c 8 s 2; 1981 1st ex.s. c 6 s 26; 1977 ex.s. c 302 s 5; 1975 1st ex.s. c 176 s 3; 1973 1st ex.s. c 122 s 7.]

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

Effective date, application—2010 c 122 ss 1 and 2: "Sections 1 and 2 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect April 1, 2010, for all claims of victims of criminal acts occurring after July 1, 1981." [2010 c 122 s 8.]

Expiration date—2010 c 122 ss 1 and 2: "Sections 1 and 2 of this act expire July 1, 2015." [2010 c 122 s 9.]

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

Severability—Effective dates—1993 sp.s. c 24: See notes following RCW 28A.310.020.

Severability—Application—Effective dates—1989 1st ex.s. c 5: See notes following RCW 7.68.015.

Effective date—1987 c 281: See note following RCW 7.68.020.

Application—1985 c 443 s 15: "The amendments to RCW 7.68.070 by this act apply only to criminal acts occurring after December 31, 1985." [1986 c 98 s 3; 1985 c 443 s 17.]

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

Effective dates—Intent—Reports—1982 1st ex.s. c 8: See notes following RCW 7.68.035.

Effective date—Severability—1981 1st ex.s. c 6: See notes following RCW 74.04.005.