

HOUSE BILL REPORT

HB 1108

As Reported by House Committee On:
Public Safety & Emergency Preparedness

Title: An act relating to the definition of criminal act for crime victims compensation purposes.

Brief Description: Changing the definition of criminal act for crime victims compensation purposes.

Sponsors: Representatives Williams and Moeller.

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 1/21/09, 1/28/09 [DP].

Brief Summary of Bill

- Amends the definition of "criminal act" for purposes of Crime Victims' Compensation benefits.
- Eliminates the requirement that an offender has to be convicted in a vehicular assault case before a victim is eligible for Crime Victims' Compensation benefits.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: Do pass. Signed by 6 members: Representatives Hurst, Chair; O'Brien, Vice Chair; Appleton, Goodman, Kirby and Roberts.

Minority Report: Do not pass. Signed by 3 members: Representatives Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Ross.

Staff: Yvonne Walker (786-7841)

Background:

The Washington Crime Victims' Compensation Program (Program) administered by the Department of Labor and Industries (L&I) provides benefits to innocent victims of criminal acts. Generally, persons injured by a criminal act in Washington, or their surviving spouses

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and dependents, are eligible to receive benefits (medical treatment and lost wages) under the Program provided that:

- the criminal act for which compensation is being sought is punishable as a gross misdemeanor or felony;
- the crime was reported to law enforcement within one year of its occurrence or within one year from the time a report could reasonably have been made; and
- the application for crime victims' benefits is made within two years after the crime was reported to law enforcement or the rights of the beneficiaries or dependents accrued.

Criminal act is defined as: (1) an act committed or attempted in Washington, which is punishable as a felony or gross misdemeanor under the laws of Washington; (2) an act committed outside of Washington against a resident of Washington which would be compensable had it occurred inside the state, and the crime occurred in a state which does not have a Program; or (3) an act of terrorism. Statutory language limits the types of claims that the L&I may pay for vehicular accidents. Under the Victims of Crimes-Compensation and Assistance Act, the L&I may only pay vehicular claims when:

- the injury or death was intentionally inflicted;
- the accident occurred during the commission of another non-vehicular criminal act;
- the driver was impaired by alcohol or drugs;
- the injury or death occurred as a result of a driver who committed the offense of failing to secure a load in the first degree;
- the injury or death occurred and the evidence establishes that the death was the result of vehicular homicide; or
- the injury or death was the result of vehicular assault and a conviction of the vehicular assault offense was obtained.

A victim suffering from the result of a vehicular assault offense would not be eligible for Crime Victims' Compensation benefits unless an offender was convicted of the crime. This is the only offense under the Program where the conviction of an offender has to occur before a victim becomes eligible for Crime Victims' Compensation benefit payments.

The Program is the payer of last resort for medical expenses and lost wages.

Summary of Bill:

The definition of criminal act in the Victims of Crimes-Compensation and Assistance Act is amended to delete the requirement that a criminal conviction of an offender has to occur before a victim of vehicular assault can become eligible for benefits under the Program. As a result, Crime Victims' Compensation benefits are available to any person injured by a driver committing a vehicular assault offense.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is in response to an actual case where a victim was hit and substantially injured by a speeding car. Typically victims of most crimes are referred to the Program when they do not have any other type of insurance to cover their injuries. The Program is always the payer of last resort and this bill would not change current statute. This bill is just bringing the language of the law in line with other crimes to make it fair. Vehicular assault is the only crime in statute where an offender has to be convicted in court before a victim can be compensated for his or her injuries.

People have questioned why victims of a falling load are compensated but a victim of a vehicular assault crime is not. This bill is intended to help those victims of vehicular assault that have fallen through the cracks of the Program.

(Opposed) None.

Persons Testifying: Representative Williams, prime sponsor; Stanley Phillips, Thurston County Prosecutor's Office; and Dave Johnson, Washington Coalition of Crime Victims Advocates.

Persons Signed In To Testify But Not Testifying: None.