
**Public Safety & Emergency Preparedness
Committee**

E2SSB 6504

Brief Description: Modifying provisions of the crime victims' compensation program.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senator Hargrove; by request of Department of Labor & Industries).

Brief Summary of Engrossed Second Substitute Bill

- Changes the eligibility and benefits (for burial costs, medical treatment, and lost wages) that a person is eligible for under the Crime Victims' Compensation Program.

Hearing Date: 2/23/10

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 and dependents, are eligible to receive benefits (burial costs, 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 or federal statutes;

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(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.

In case of the death of the victim, the Program provides burial expenses and a monthly income to the surviving spouse for life or until remarriage, based on a percentage of the victim's monthly income, provided that the income does not exceed 120 percent of the average monthly wage in the state. Total compensation can reach a cap of \$190,000 per victim, including up to \$150,000 in medical benefits per injury or death and \$40,000 for time loss, disability, and pension. The surviving spouse of a victim who was not employed at the time of death receives burial expenses and a lump sum payment of \$7,500 to be divided with any surviving children.

In the event of a permanent total disability, the victim is eligible for monthly benefits up to a total compensation amount of \$40,000. If a permanent partial disability occurs, the victim is eligible for a lump sum payment of \$7,000, plus an amount based on a percentage of the victim's wages up to a total amount of \$15,000 for time loss. Time loss benefits are available for victims who either were employed at the time of the criminal act or were employed for any three consecutive months of the 12 months preceding the criminal act.

The L&I is required to operate the Program within the appropriations and the conditions and limitations on the appropriations provided for this Program. The L&I reports that it will have exhausted its current appropriation for crime victims compensation as of April 2010.

Summary of Bill:

Total claim payments for a single claim for crime victims' compensation are limited to \$50,000. In the event of the death of a victim, the disbursement of lump sum payments are eliminated and benefits paid for burial expenses are reduced to \$6,500.

The benefits of any victim who becomes permanently and totally disabled as a result of a criminal act must be calculated as a percentage of the average monthly wage in the state. Total compensation available in a case of permanent partial disability is limited to \$7,000 per claim and compensation in the event of a temporary total disability is remains unchanged. A victim must be gainfully employed at the time of the criminal act in order to be eligible for disability benefits under the Crime Victims's Compensation program.

A victim is not eligible for crime victims' compensation if he or she:

- within the previous five years, has been convicted of a felony offense that is a violent crime or a crime against persons; or
- is currently convicted of a felony offense that is a violent crime or a crime against persons.

A new non-appropriated Crime Victims' Compensation Account (account) is created in the custody of the State Treasurer. Expenditures from the account may be used only for the Program.

The reduction in crime victims' compensation benefits take effective April 1, 2010, for all claims of criminal acts occurring after July 1, 1981. However, the benefit reduction only remains in effect until July 1, 2013.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed; except for sections 1 and 2, that reduce benefits under the Crime Victims' Compensation Program which are effective April 1, 2010, for all claims of criminal acts occurring after July 1, 1981.