

# FINAL BILL REPORT

## E2SSB 6504

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C 122 L 10  
Synopsis as Enacted

**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).

**Senate Committee on Human Services & Corrections**  
**Senate Committee on Ways & Means**  
**House Committee on Public Safety & Emergency Preparedness**  
**House Committee on Ways & Means**

**Background:** The Department of Labor and Industries (L&I) administers a Crime Victims' Compensation Program (Program) which provides compensation for certain victims of crime or survivors of victims of crime, funded by a combination of state appropriations and federal grants. Compensation is not available to a victim unless the victim applies for compensation within two years after the date of the criminal act, and reports the criminal act to the police or sheriff within one year of its occurrence.

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 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 permanent disability, the victim receives a compensation amount based on the nature of the injury, plus an amount based on a percentage of the victim's wages up to 120 percent of the average monthly wage, or if not gainfully employed a percentage of the average monthly wage, during the period of disability. The benefits a victim may receive for a permanent partial disability are limited to \$30,000. 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.

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

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary:** Total claim payments for a single claim under the Program are limited to \$50,000. Benefits paid for burial expenses must not exceed \$5,750 and may only be paid if an application is filed within one year of the time at which the death is recognized as a homicide or the remains are recovered and released for burial. The lump sum payment available to a surviving spouse or child when a homicide victim was not gainfully employed at the time of the criminal act is eliminated.

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 \$22,000.

Compensation is disallowed for a victim who has been convicted of a felony during the five years preceding the criminal act, if the felony is a violent crime or crime against persons as those terms are defined in chapter 9.94A RCW, unless the person had completely satisfied all legal financial obligations prior to the criminal act. Time loss compensation is disallowed for any person who was not gainfully employed at the time of the criminal act.

A new non-appropriated account is created in the custody of the state treasury entitled the Crime Victims' Compensation Account. The account is dedicated to the Program. A portion of monies deposited into inmate accounts and the proceeds from certain criminal profiteering recovery actions are deposited into this account.

Every month, L&I must post the total amount of funding available for the Program, the total amount of funds disbursed, and the total of overhead and administrative costs on its public website starting July 1, 2010.

All provisions which reduce benefits under the Program expire on July 1, 2015.

**Votes on Final Passage:**

|        |    |    |                            |
|--------|----|----|----------------------------|
| Senate | 31 | 15 |                            |
| House  | 95 | 3  | (House amended)            |
|        |    |    | (Senate refused to concur) |
| House  | 97 | 0  | (House receded/amended)    |
| Senate | 46 | 0  | (Senate concurred)         |

**Effective:** April 1, 2010 (Sections 1 and 2)  
June 10, 2010