

HOUSE BILL REPORT

SHB 2358

As Passed Legislature

Title: An act relating to penalty assessments for support of crime victim and witness programs.

Brief Description: Increasing penalty assessments to support crime victim and witness programs.

Sponsors: House Committee on Law & Justice (originally sponsored by Representatives Costa, Ballasiotes, Chopp, Conway, Scott, Linville, Radcliff, Chappell, Dickerson, Hatfield, Quall, Murray, Cooke, Patterson, Cody, Keiser, Veloria and Kessler).

Brief History:

Committee Activity:

Law & Justice: 1/16/96, 1/30/96 [DPS].

Floor Activity:

Passed House: 2/6/96, 96-0.

Senate Amended.

House Concurred.

Passed Legislature.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 16 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Dellwo, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Murray; Robertson; Smith and Sterk.

Staff: Edie Adams (786-7180).

Background: The crime victims compensation chapter requires Superior Courts to impose a penalty assessment upon persons convicted of committing crimes, other than some motor vehicle crimes. The penalty assessment is \$100 for persons convicted of felonies or gross misdemeanors and \$75 for persons convicted of misdemeanors. This penalty is imposed in addition to any other penalty or fine imposed by law and is applicable in juvenile offense dispositions.

Thirty-two percent of this penalty assessment is paid to the State Treasurer. The county treasurer must pay at least 1.75 percent of the remaining 68 percent into a local fund maintained exclusively for the support of comprehensive programs to encourage testimony by the victims of crimes and witnesses to crimes.

The Crime Victims Compensation Program is operated by the Department of Labor and Industries and provides financial, medical, and mental health benefits to crime victims who suffer bodily injury or death as a result of a crime. The program is funded from a variety of penalties and fees imposed against defendants by municipal, district, and superior courts in both civil and criminal proceedings. In addition, a person convicted of a crime may be required to reimburse the department for any benefits paid to the victim of the crime.

Several conditions are placed on the ability to receive benefits from the Crime Victims Compensation Program. The crime must be reported to law enforcement within one year of its occurrence or within one year from the time a report could reasonably have been made. In addition, the application for crime victims benefits must be made within one year after the crime was reported to law enforcement or the rights of beneficiaries or dependents accrued.

An application for crime victims benefits is denied if the injury for which benefits are being sought was the result of consent, provocation, or incitement by the victim.

The family members of a victim of a crime are entitled to certain benefits, including burial benefits, if the crime results in the death of the victim. Currently the amount of burial benefits may not exceed the amount the Department of Social and Health Services pays for the funeral and burial of a deceased indigent person (approximately \$1,100).

Summary of Bill: The Legislature finds that funding for county crime victim and witness programs is inadequate and that the state crime victims compensation program should be enhanced to provide increased benefits to families of victims who are killed as a result of crime. The Legislature intends to increase and enhance these programs by requiring offenders to pay increased penalties.

The penalty assessment imposed by Superior Courts on persons convicted of a crime is increased to \$500 for felony or gross misdemeanor convictions and \$250 for misdemeanor convictions.

Juvenile offenders shall be assessed a penalty of \$100 for any adjudication for a felony or gross misdemeanor and \$75 for any adjudication for a misdemeanor. The ability of the judge to modify this penalty assessment is removed.

Thirty-two percent of the penalty assessment is paid to the State Treasurer. Fifty percent of the remaining 68 percent of the assessment is paid to a local fund maintained exclusively for the support of comprehensive programs to encourage testimony by the victims of crimes and witnesses to crimes.

The Office of Crime Victims Advocacy shall report to the Legislature in 1999, 2002, and 2005 regarding the collection and use of penalty assessments to provide assistance to victims and witnesses to crimes.

Eligibility for Crime Victims Compensation Program benefits is expanded. The time limit for applying for benefits is increased from one year to two years after the date the criminal act was reported to law enforcement. If good cause is shown, the time limit may be extended to five years.

If a victim is killed as a result of a crime, the Department of Labor & Industries may no longer deny benefits to the spouse, child, or dependent of the victim on the basis that the victim's consent, provocation, or incitement was the cause of the injury.

The maximum amount that may be paid by the crime victims compensation fund for burial expenses is increased to the amount paid by the Department of Labor & Industries for a deceased worker under the Industrial Insurance Act (approximately \$3,200).

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Smaller counties have great difficulty finding the funding for local services to crime victims and witnesses. Most of the money currently available to these local funds comes from cities and towns for violations of infractions. Very little of the current funding comes from assessments on the persons convicted of the crime for which services are being provided to crime victims and witnesses. Offenders should be paying more.

Testimony Against: None.

Testified: Representative Costa, prime sponsor; Becky Cruz, Washington Coalition of Sexual Assault Programs (pro); and Craig Donaldson, Washington Coalition of Crime Victim Advocates (pro).