

HOUSE BILL REPORT

HB 2359

As Reported By House Committee On:

Corrections

Title: An act relating to enhancing the crime victims' compensation program.

Brief Description: Enhancing crime victims' compensation.

Sponsors: Representatives Costa, Ballasiotes, Conway, Tokuda, Scott, Linville, Quall, Radcliff, Chappell, Dickerson, Scheurman, Murray, Cooke, Patterson, Chopp, Sheldon, Cody, Veloria and Kessler.

Brief History:

Committee Activity:

Corrections: 1/24/96, 1/31/96 [DPS].

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; Schoesler and D. Sommers.

Staff: Diana Canzoneri (786-7156).

Background: The Crime Victims Act of 1973 established Washington State's Crime Victims' Compensation Program (CVCP) to provide benefits to innocent victims of criminal acts. The Department of Labor and Industries was assigned authority for administering the program because benefits available to crime victims under this program were originally based on benefits paid to injured workers under the Industrial Insurance Act. Other conditions applicable to a worker who files a claim under the Industrial Insurance Act are also applicable to those who file claims under the CVCP.

Eligibility. Persons injured by crime in Washington State, or their surviving spouses and dependents, are generally eligible to receive benefits under the program, providing 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.
- The application for crime victims benefits is made within one year after the crime was reported to law enforcement or the rights of beneficiaries or dependents accrued.

Under the Crime Victims Act, claims are denied if the injury for which benefits are being sought was the result of "consent, provocation, or incitement" by the victim. Claims are also denied if the injury was sustained while the victim was committing or attempting to commit a felony.

Burial Benefits. The CVCP makes a set of benefits available to family members when the crime resulted in the death of the victim. Under current law, the amount the CVCP pays for burial is not allowed to exceed the amount the Department of Social and Health Services pays for the funeral and burial of a deceased indigent person.

Summary of Substitute Bill: Expanded Eligibility. Criteria for determining the eligibility of a person to obtain benefits available through the Crime Victims' Compensation Program are expanded in several ways.

The window of time in which an application must be received is widened so that a person is always granted at least two years to apply. As is the case under current law, this period is generally measured from the time the crime was reported to law enforcement. The department is authorized to extend this window of time to a maximum of five years when the director of the department determines that "good cause" exists.

If a victim is killed due to an injury from a crime, the department may no longer deny benefits on the basis that the victim's "consent, provocation, or incitement" resulted in the injury.

Increased Burial Benefits. The maximum amount paid by CVCP for burial expenses is no longer based on the DSHS standard for an indigent person's burial, but is instead based upon the larger burial benefit paid for a deceased worker by the department under the Industrial Insurance Act.

Other Provisions. Records related to appeals of crime victims' compensation claims are exempted from the public inspection and copying requirements contained in the Public Records Act.

Unspent appropriations for crime victims' compensation remaining at the end of the fiscal biennium must be carried forward and used for crime victims' compensation.

This applies for amounts up to 15 percent of the total biennial appropriation for crime victims' compensation.

Substitute Bill Compared to Original Bill: The substitute bill centralizes authority for determining if "good cause" exists for extending the permissible application period, so that such determinations are made by the director of the Department of Labor and Industries. The original bill granted this authority to the department generally.

Appropriation: None.

Fiscal Note: Requested on January 22, 1996.

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

Testimony For: Some people who are eligible for Crime Victims Compensation are missing the opportunity to obtain compensation from the program due to the short applications period. The bill will provide many of these people with the opportunity to apply for benefits. The notion that a victim who is killed in a crime incited or consented to his or her death is a ridiculous one, especially when a victim was engaged only in a verbal dispute when he or she was fatally shot. Passage of this bill will remove the unfair eligibility requirement related to incitement, provocation, or consent. Adoption of the worker's compensation burial benefit standard will enable Victims' Compensation burial benefits to increase with inflation and will provide a more equitable standard upon which to base benefits. Exempting Crime Victims' Compensation appeals from requirements of the Public Records Act will protect information contained in these records from being inspected and publicized by the media. The ability to carry over a portion of the biennial appropriation will enable program administrators to process approved claims more quickly at the end of the biennium.

The bill addresses several specific problems with the way the Crime Victims' Compensation Program is administered. However, an amendment should be added to make the remedial intent of the Crime Victims' Compensation Act clear and to direct program administrators to interpret the act in a manner that favors applicants and claimants.

Testimony Against: None.

Testified: Representative Jeralita Costa, prime sponsor; and Mark A. Panitch, Parents of Murdered Children (pro).