

# SENATE BILL REPORT

## SHB 2358

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As Reported By Senate Committee On:  
Law & Justice, February 21, 1996  
Ways & Means, February 26, 1996

**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: 2/14/96, 2/21/96 [DPA-WM].  
Ways & Means: 2/23/96, 2/26/96 [DPA (LAW)].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass as amended and be referred to Committee on Ways & Means.  
Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

**Staff:** Susan Carlson (786-7418)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass as amended by Committee on Law & Justice.  
Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland and Winsley.

**Staff:** Bryon Moore (786-7726)

**Background:** The crime victims compensation laws require 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.

Persons injured by crime, or their surviving spouses and dependents, are generally eligible to receive benefits under the Crime Victims Compensation Program if the criminal act was a gross misdemeanor or felony. 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. Also, 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. 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.

The Crime Victims Act makes a set of benefits available to family members when the crime resulted in the death of the victim. Under current law, the amount paid 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 which is approximately \$1,100.

**Summary of Amended Bill:** The Legislature finds that funding for county victim advocacy programs and the state's crime victims compensation program is inadequate. The Legislature intends to provide more funding by increasing penalty assessments paid by offenders.

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 must be assessed a penalty of \$100 for any adjudication for a felony or gross misdemeanor and \$75 for any adjudication for a misdemeanor. The authority 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 must 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.

The criteria for determining the eligibility of a person for Crime Victims' Compensation Program benefits are expanded in several ways. An application for benefits must be made within two years from the time the crime was reported to law enforcement. The Department of Labor and Industries is authorized to extend this time to a maximum of five years when the director 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.

The maximum amount paid by crime victims compensation for burial expenses is no longer limited to the DSHS standard for an indigent person's burial, but is instead based upon the

burial benefit paid for a deceased worker by the department under the Industrial Insurance Act, which is currently about \$3,200.

**Amended Bill Compared to Substitute Bill:** Legislative findings are made that funding for county victim advocacy programs and the state's crime victims compensation program are inadequate. The Legislature intends to provide additional financial support by increasing penalty assessments. Provisions expanding the crime victims compensation benefits are added.

**Appropriation:** None.

**Fiscal Note:** Requested on February 9, 1996.

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

**Testimony For (Law & Justice):** Offenders should pay increased penalties so that victim-witness advocacy programs can be more adequately funded and therefore better able to assist victims in dealing with the criminal justice system.

**Testimony Against (Law & Justice):** None.

**Testified (Law & Justice):** PRO: Representative Costa, original prime sponsor; Craig Donaldson, WA Coalition of Crime Victim Advocates; Donna Karvia, WA Assn. of County Officials and County Clerks.

**Testimony For (Ways & Means):** Local crime victim-witness advocacy need to be more adequately funded. The increase in penalties will more than offset the increase in expenditures for the crime victims compensation program.

**Testimony Against (Ways & Means):** None.

**Testified (Ways & Means):** Representative Costa, original prime sponsor; Representative Ballasiotes, sponsor; Lonnie Johns-Brown, WCSAP; Debbie Wilkie, WA Assn. of County Officials and County Clerks; Steve Eckstrom, CTED, Office of Crime Victims Advocacy; Larry Erickson, WASIC.