

FINAL BILL REPORT

SHB 1393

C 102 L 97

Synopsis as Enacted

Brief Description: Requiring that a petition for review of a final order or judgment of the board of industrial insurance appeals regarding crime victim compensation be filed within ninety days of the final order or judgment.

Sponsors: By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Ballasiotes, Costa, Radcliff, O'Brien, Kessler, Blalock, Cody, Murray, Cole, Morris, Tokuda, Conway, Skinner and Kenney).

House Committee on Criminal Justice & Corrections
Senate Committee on Law & Justice

Background: The Crime Victims' Act of 1973 established Washington'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.

Persons injured by a criminal act in Washington, 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 two years after the crime was reported to law enforcement or the rights of the 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.

The Crime Victims' Act provides that the appeal procedures of the Industrial Insurance Act apply to appeals of denial of benefits. However, it further states that these appeal procedures concerning employers as parties to any settlement or appeal do not apply to appeals under the Crime Victims' Act.

All appeal petitions relating to crime victim compensation judgments must be filed within 60 days of the Department of Labor and Industries' final order or judgment.

Summary: The time period for a victim of a crime to appeal a decision of the Department of Labor and Industries under the crime victims' compensation program is extended from 60 to 90 days.

The Industrial Insurance Act is amended to add a provision paralleling an existing provision in the Crime Victims' Act. This provision states that the Industrial Insurance Act appeal procedures do not apply to matters relating to employers in actions under the Crime Victims' Act..

Votes on Final Passage:

House 95 0

Senate 45 0

Effective: July 27, 1997