CERTIFICATION OF ENROLLMENT

SENATE BILL 5811

Chapter 249, Laws of 1997

55th Legislature
1997 Regular Session

CRIME VICTIM COMPENSATION AND COMPENSATION--INCLUSION OF TERRORIST ACTS

EFFECTIVE DATE: 5/2/97

Passed by the Senate April 8, 1997
YEAS 47  NAYS 0

IRV NEWHOUSE
President of the Senate

Certified that the attached is SENATE BILL 5811 as passed by the Senate and the House of Representatives on the dates hereon set forth.

Passed by the House April 18, 1997
YEAS 97  NAYS 0

CLYDE BALLARD
Speaker of the House of Representatives

MIKE O’CONNELL
Secretary

Approved May 2, 1997

GARY LOCKE
Governor of the State of Washington

FILED

May 2, 1997 - 3:08 p.m.
AN ACT Relating to including terrorism committed outside of the United States in the definition of criminal act for the purposes of crime victim compensation and assistance; amending RCW 7.68.020; creating a new section; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 7.68.020 and 1990 c 73 s 1 are each amended to read as follows:

The following words and phrases as used in this chapter have the meanings set forth in this section unless the context otherwise requires.

(1) "Department" means the department of labor and industries.

(2) "Criminal act" means an act committed or attempted in this state which is punishable as a felony or gross misdemeanor under the laws of this state, or an act committed outside the state of Washington against a resident of the state of Washington which would be compensable had it occurred inside this state; and the crime occurred in a state which does not have a crime victims compensation program, for which the victim is eligible as set forth in the Washington compensation law, or an act of terrorism as defined in 18 U.S.C. Sec.
2331, as it exists on the effective date of this section, committed
outside of the United States against a resident of the state of
Washington, except as follows:

(a) The operation of a motor vehicle, motorcycle, train, boat, or
aircraft in violation of law does not constitute a "criminal act"
unless:

(i) The injury or death was intentionally inflicted;

(ii) The operation thereof was part of the commission of another
non-vehicular criminal act as defined in this section;

(iii) The death or injury was the result of the operation of a
motor vehicle after July 24, 1983, and a preponderance of the evidence
establishes that the death was the result of vehicular homicide under
RCW 46.61.520, or a conviction of vehicular assault under RCW
46.61.522, has been obtained: PROVIDED, That in cases where a probable
criminal defendant has died in perpetration of vehicular assault or,
because of physical or mental infirmity or disability the perpetrator
is incapable of standing trial for vehicular assault, the department
may, by a preponderance of the evidence, establish that a vehicular
assault had been committed and authorize benefits; or

(iv) Injury or death caused by a driver in violation of RCW
46.61.502;

(b) Neither an acquittal in a criminal prosecution nor the absence
of any such prosecution is admissible in any claim or proceeding under
this chapter as evidence of the noncriminal character of the acts
giving rise to such claim or proceeding, except as provided for in
subsection (2)(a)(iii) of this section;

(c) Evidence of a criminal conviction arising from acts which are
the basis for a claim or proceeding under this chapter is admissible in
such claim or proceeding for the limited purpose of proving the
criminal character of the acts; and

(d) Acts which, but for the insanity or mental irresponsibility of
the perpetrator, would constitute criminal conduct are deemed to be
criminal conduct within the meaning of this chapter.

(3) "Victim" means a person who suffers bodily injury or death as
a proximate result of a criminal act of another person, the victim’s
own good faith and reasonable effort to prevent a criminal act, or his
good faith effort to apprehend a person reasonably suspected of
engaging in a criminal act. For the purposes of receiving benefits
pursuant to this chapter, "victim" is interchangeable with "employee"
or "workman" as defined in chapter 51.08 RCW as now or hereafter amended.

(4) "Child," "accredited school," "dependent," "beneficiary," "average monthly wage," "director," "injury," "invalid," "permanent partial disability," and "permanent total disability" have the meanings assigned to them in chapter 51.08 RCW as now or hereafter amended.

(5) "Gainfully employed" means engaging on a regular and continuous basis in a lawful activity from which a person derives a livelihood.

(6) "Private insurance" means any source of recompense provided by contract available as a result of the claimed injury or death at the time of such injury or death, or which becomes available any time thereafter.

(7) "Public insurance" means any source of recompense provided by statute, state or federal, available as a result of the claimed injury or death at the time of such injury or death, or which becomes available any time thereafter.

NEW SECTION. Sec. 2. This act is remedial in nature and applies to criminal acts that occur on April 1, 1997, and thereafter.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed the Senate April 8, 1997.
Passed the House April 18, 1997.
Approved by the Governor May 2, 1997.
Filed in Office of Secretary of State May 2, 1997.