

# SENATE BILL REPORT

## SB 5270

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As Passed Senate, March 6, 2001

**Title:** An act relating to modifying requirements for certain victims of sexually violent predators to be eligible for victims' compensation.

**Brief Description:** Modifying requirements for certain victims of sexually violent predators to be eligible for victims' compensation.

**Sponsors:** Senators Costa, Long, Gardner, Carlson and Kohl-Welles.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/25/01, 1/26/01 [DP].  
Passed Senate: 3/6/01, 46-0.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

**Staff:** Fara Daun (786-7459)

**Background:** Washington State provides victims' compensation benefits to victims of violent crimes. Under the current statute, the victim must generally file a police report within 12 months of the criminal act and apply for benefits within two years after the police report was filed. The program director may make a "good cause" exception for up to five years.

Victims of persons being held on sexually violent predator petitions may be retraumatized when notified of the civil commitment proceedings or when they are interviewed, deposed, or asked to testify against their offender. Civil commitment proceedings usually occur long after the right to file a victims' compensation claim occurs and after the program director's ability to make a good cause exception has expired. These victims are not currently eligible for benefits under the victims' compensation statute for their current trauma.

**Summary of Bill:** Victims of persons against whom the state is proceeding under the civil commitment for sexually violent predators statute are eligible for victims' compensation benefits. The right to benefits under this provision accrues when the victim is notified of the proceedings, or is interviewed, deposed, or testifies in proceedings under Chapter 71.09 RCW. The victim must apply for benefits within two years after the right to benefits accrues. Benefits under this provision are limited to compensation for losses or costs incurred after the right to benefits under this provision accrues. The director of the victims' compensation program may make "good cause" extensions of the time for application for five years after the right to benefits accrues.

**Appropriation:** None.

**Fiscal Note:** Requested on January 17, 2001.

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

**Testimony For:** This is a small, but important group of victims upon whom the state relies to obtain civil commitment findings for sexually violent predators. The state asks victims to revisit very traumatic events and, consequently, some victims need services to deal with the effects of retraumatization. These victims are not currently eligible for victims' compensation benefits. It is hard for prosecutors to ask victims to participate in the commitment proceedings when the prosecutors cannot offer the resources they would offer other victims. The prosecutors do not compel victims to testify and try not to come back to victims repeatedly where they can avoid it.

**Testimony Against:** None.

**Testified:** Suzanne Brown, Washington Coalition of Sexual Assault Programs (pro); Joan Gunther, Washington Coalition of Crime Victim Advocates (pro); David Hackett, King County Prosecuting Attorney's Office (pro).