

# HOUSE BILL REPORT

## SB 5526

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**As Reported by House Committee On:**  
Public Safety & Emergency Preparedness

**Title:** An act relating to modifying the definition of criminal act.

**Brief Description:** Modifying the definition of criminal act.

**Sponsors:** Senators Hargrove, Regala, Prentice and Shin; by request of Department of Labor & Industries.

**Brief History:**

**Committee Activity:**

Public Safety & Emergency Preparedness: 3/26/07, 3/28/07 [DP].

**Brief Summary of Bill**

- Removes "acts of terrorism" from the definition of "criminal act" under the Crime Victims Compensation Act.

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### HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

**Majority Report:** Do pass. Signed by 7 members: Representatives O'Brien, Chair; Hurst, Vice Chair; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern, Goodman and Lovick.

**Staff:** Yvonne Walker (786-7841).

**Background:**

The Washington Crime Victims' Compensation Program (Program) administered by the Department of Labor and Industries (L&I) provides benefits to innocent victims of criminal acts. Under the Victims of Crimes-Compensation and Assistance Act, generally, persons injured by a criminal act in Washington, or their surviving spouses and dependents, are eligible to receive benefits (medical treatment and lost wages) under the Program provided that:

- the criminal act for which compensation is being sought is punishable as a gross misdemeanor or felony;

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- 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; and
- 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.

Criminal act is defined as: (1) an act committed or attempted in Washington, which is punishable as a felony or gross misdemeanor under the laws of Washington; (2) an act committed outside of Washington against a resident of Washington which would be compensable had it occurred inside the state, and the crime occurred in a state which does not have a Program; or (3) an act of terrorism.

In October of 2001, Congress passed the U.S. Patriot Act (Act). Among other things, the Act (H.R. 3162- Public Law 107-56) expanded the authorization and funding for the federal Office of Victims Compensation to provide benefits to those injured as a result of an act of terrorism taking place outside of the U.S. In addition, in order to continue receiving federal victim compensation and assistance grants, individual states were required to compensate victims that were injured due to an act of terrorism (despite whether the injury occurred in the U.S. or in a foreign territory).

Since that time, the federal Act has been amended thereby removing statutory language requiring states to compensate U.S. citizens injured outside the U.S. due to an act of terrorism. As a result, the federal government has taken on the responsibility for providing assistance and compensation for victims injured outside of the U.S. due to an act of terrorism. However, individual states are still responsible for providing assistance to victims injured within the U.S. due to an act of terrorism.

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### **Summary of Bill:**

An act of terrorism committed against a resident of Washington is removed from the definition of "criminal act" in the Victims of Crimes-Compensation and Assistance Act. As a result, a victim (or their surviving spouse and dependents) who is a resident of Washington would not be eligible for state crime victim compensation benefits if he or she is injured by a criminal act of terrorism committed outside of the U.S. (however the injured party would be eligible for federal crime victim compensation and assistance benefits).

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill is agency request legislation that eliminates Washington's current requirement to compensate victims of terrorism acts that occur outside of the U.S. This legislation will not reduce benefits to victims injured by a crime committed in Washington. However, if the victims are injured by a crime committed outside of the U.S., these victims are eligible for benefits under the federal Act. This statutory clarification is consistent with similar policy shifts that are occurring in other states that have victim compensation programs.

(Opposed) None.

**Persons Testifying:** Mike Ratko, Department of Labor and Industries.

**Persons Signed In To Testify But Not Testifying:** None.