
**Public Safety & Emergency Preparedness
Committee**

HB 2771

Brief Description: Transferring responsibility for administering the crime victims' compensation program from the department of labor and industries to the department of social and health services.

Sponsors: Representative O'Brien; by request of Department of Labor & Industries and Department of Social and Health Services.

Brief Summary of Bill

- Transfers the Crime Victim's Compensation Program from the Department of Labor and Industries to the Department of Social and Health Services.

Hearing Date: 1/27/10

Staff: Yvonne Walker (786-7841).

Background:

The Crime Victims Act of 1973 established the Washington's Crime Victims Compensation Program (CVCP) to provide benefits to innocent victims of criminal acts. The Department of Labor and Industries (L&I) was assigned authority for administering the CVCP because benefits available to crime victims under the CVCP were originally based on benefits paid to injured workers under the Industrial Insurance 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 CVCP 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 CVCP; or (3) an act of terrorism. Statutory language limits the types of claims that the L&I may pay for vehicular accidents. Under the Victims of Crimes-Compensation and Assistance Act, the L&I may only pay vehicular claims when:

- the injury or death was intentionally inflicted;
- the accident occurred during the commission of another non-vehicular criminal act;
- the driver was impaired by alcohol or drugs;
- the injury or death occurred as a result of a driver who committed the offense of failing to secure a load in the first degree;
- the injury or death occurred and the evidence establishes that the death was the result of vehicular homicide; or
- the injury or death was the result of vehicular assault and a conviction of the vehicular assault offense was obtained.

The CVCP is the payer of last resort for medical expenses and lost wages.

Summary of Bill:

Effective July 1, 2010, the CVCP is transferred from the L&I to the Department of Social and Health Services (DSHS).

All powers, duties, and functions of the L&I relating to the CVCP must be transferred to the DSHS. The transfer includes the following:

- all program specific reports, documents, surveys, books, records, files, papers, and written material;
- all furniture, office equipment, motor vehicles, and other tangible property specific to performing the functions of the CVCP;
- funds, credits, or other assets held in connection with the specific powers, functions, and duties of the L&I; and
- any appropriations made to the L&I to carry out the functions and duties of the CVCP.

In addition, all rules and pending business before the L&I pertinent to the transfer of the CVCP, as well as existing contracts and obligations must remain in force and continued by the DSHS.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on July 1, 2010.