
SENATE BILL 6610

State of Washington 57th Legislature

2002 Regular Session

By Senators Zarelli and Kline

Read first time 01/23/2002. Referred to Committee on Judiciary.

1 AN ACT Relating to compensation for victims of federal crimes; and
2 amending RCW 7.68.020.

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

4 **Sec. 1.** RCW 7.68.020 and 2001 c 136 s 1 are each amended to read
5 as follows:

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

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

10 (2) "Criminal act" means an act committed or attempted in this
11 state which is: (a) Punishable under federal law; (b) punishable as a
12 felony or gross misdemeanor under the laws of this state(~~(7-OR)~~); (c)
13 an act committed outside the state of Washington against a resident of
14 the state of Washington which would be compensable had it occurred
15 inside this state(~~(7)~~) and the crime occurred in a state which does not
16 have a crime victims compensation program, for which the victim is
17 eligible as set forth in the Washington compensation law(~~(7)~~); or (d)
18 an act of terrorism as defined in 18 U.S.C. Sec. 2331, as it exists on

1 May 2, 1997, committed outside of the United States against a resident
2 of the state of Washington, except as follows:

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

6 ~~((i))~~ (A) The injury or death was intentionally inflicted;

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

9 ~~((iii))~~ (C) The death or injury was the result of the operation
10 of a motor vehicle after July 24, 1983, and a preponderance of the
11 evidence establishes that the death was the result of vehicular
12 homicide under RCW 46.61.520, or a conviction of vehicular assault
13 under RCW 46.61.522, has been obtained: PROVIDED, That in cases where
14 a probable criminal defendant has died in perpetration of vehicular
15 assault or, in cases where the perpetrator of the vehicular assault is
16 unascertainable because he or she left the scene of the accident in
17 violation of RCW 46.52.020 or, because of physical or mental infirmity
18 or disability the perpetrator is incapable of standing trial for
19 vehicular assault, the department may, by a preponderance of the
20 evidence, establish that a vehicular assault had been committed and
21 authorize benefits; or

22 ~~((iv))~~ (D) The injury or death was caused by a driver in
23 violation of RCW 46.61.502;

24 ~~((b))~~ (ii) Neither an acquittal in a criminal prosecution nor the
25 absence of any such prosecution is admissible in any claim or
26 proceeding under this chapter as evidence of the noncriminal character
27 of the acts giving rise to such claim or proceeding, except as provided
28 for in ~~((subsection (2)(a)(iii) of this section))~~ (d)(i)(C) of this
29 subsection;

30 ~~((e))~~ (iii) Evidence of a criminal conviction arising from acts
31 which are the basis for a claim or proceeding under this chapter is
32 admissible in such claim or proceeding for the limited purpose of
33 proving the criminal character of the acts; and

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

37 (3) "Victim" means a person who suffers bodily injury or death as
38 a proximate result of a criminal act of another person, the victim's
39 own good faith and reasonable effort to prevent a criminal act, or his

1 or her good faith effort to apprehend a person reasonably suspected of
2 engaging in a criminal act. For the purposes of receiving benefits
3 pursuant to this chapter, "victim" is interchangeable with "employee"
4 or "~~((workman))~~ worker" as defined in chapter 51.08 RCW as now or
5 hereafter amended.

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

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

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

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

--- END ---