

SENATE BILL REPORT

SB 6341

As Reported By Senate Committee On:
Human Services & Corrections, January 31, 2006
Ways & Means, February 7, 2006

Title: An act relating to including failure to secure a load in the first degree as a compensable crime under the crime victims' compensation program.

Brief Description: Including failure to secure a load in the first degree as a compensable crime under the crime victims' compensation program.

Sponsors: Senators Prentice, Esser, Keiser, Pflug, Franklin and Roach; by request of Department of Labor & Industries.

Brief History:

Committee Activity: Human Services & Corrections: 1/24/06. 1/31/06 [DP]
Ways & Means: 2/06/06, 2/7/06 [DP].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, McAuliffe and Thibaudeau.

Staff: Shani Bauer (786-7468)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau.

Staff: Paula Faas (786-7449)

Background: The Crime Victims' Compensation (CVC) program is administered by the Department of Labor and Industries (L&I). Victims of violent crime are provided with financial assistance under specific eligibility requirements. The program, as the payer of last resort, covers medical and mental health treatment costs, funeral expenses, limited time loss compensation, permanent partial disability awards, and limited pensions. The program is funded through the Public Safety and Education Account (PSEA) and a federal grant from the Department of Justice.

Vehicular offenses are not considered "criminal acts" for the purposes of obtaining benefits under the CVC, except in the following situations:

- 1) the injury or death was intentionally inflicted;
- 2) the operation of the vehicle was part of the commission of another non-vehicular criminal act;
- 3) a preponderance of the evidence establishes that the death was the result of vehicular homicide;
- 4) the injury or death was caused by a person driving while under the influence of liquor or any drug; or
- 5) in the case of vehicular assault, if a conviction was obtained, or if the defendant died while committing the vehicular assault or is otherwise unable to stand trial because of a physical or mental infirmity. In those cases, the department may authorize benefits if it can establish by a preponderance of the evidence that a vehicular assault was committed.

In 2005, the Legislature passed Substitute House Bill 1478, creating a crime for failure to secure a load in the first or second degree. Failure to secure a load occurs when a person negligently fails to secure materials to his or her vehicle and the materials fall off and cause damage or injury. Failure to secure a load in the first degree occurs when substantial bodily harm is caused to another person.

Summary of Bill: Failure to secure a load in the first degree is added to the list of vehicular offenses that constitute a criminal act.

A victim who suffers an injury or death as a result of a driver's violation of the failure to secure a load in the first degree may be compensated under the crime victims' compensation program.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Testimony For (Human Services & Corrections): Last session, HB 1478 passed creating the crime of failure to secure a load in the first degree. How that crime would interact with the provisions for crime victims' compensation was overlooked at that time. We are here today to ask that this oversight be corrected. Crime victims' compensation was first started because of benefits that offenders get while victims get nothing. Victims of the crime for failure to secure a load in the first degree should have access to these benefits.

Testimony Against (Human Services & Corrections): None.

Who Testified (Human Services & Corrections): PRO: Dave Johnson, WA Coalition of Crime Victim Advocates; Mike Ratko and Cletus Nnanabu, Department of Labor & Industries; Robin Abel, Maria Federici Foundation.

Testimony For (Ways & Means): Victims of this crime shouldn't have to suffer. Assistance should be provided for them. Crime Victims' Compensation is also available for other victims of vehicular crimes, such as negligent vehicular homicide and driving under the influence.

Testimony Against (Ways & Means): None.

Who Testified (Ways & Means): PRO: Robin Abel, Maria Federici Foundation; Mike Ratko and Cletus Nnanabu, Department of Labor & Industries.