

**2SSB 6504** - S AMD 114

By Senator Hargrove

1       Strike everything after the enacting clause and insert the  
2 following:

3       "**Sec. 1.** RCW 7.68.070 and 2009 c 38 s 1 are each amended to read  
4 as follows:

5       The right to benefits under this chapter and the amount thereof  
6 will be governed insofar as is applicable by the provisions contained  
7 in chapter 51.32 RCW except as provided in this section, provided that  
8 no more than fifty thousand dollars shall be paid per claim:

9       (1) The provisions contained in RCW 51.32.015, 51.32.030,  
10 51.32.072, 51.32.073, 51.32.180, 51.32.190, and 51.32.200 are not  
11 applicable to this chapter.

12       (2) Each victim injured as a result of a criminal act, including  
13 criminal acts committed between July 1, 1981, and January 1, 1983, or  
14 the victim's family or dependents in case of death of the victim, are  
15 entitled to benefits in accordance with this chapter, subject to the  
16 limitations under RCW 7.68.015. The rights, duties, responsibilities,  
17 limitations, and procedures applicable to a worker as contained in RCW  
18 51.32.010 are applicable to this chapter.

19       (3) The limitations contained in RCW 51.32.020 are applicable to  
20 claims under this chapter. In addition thereto, no person or spouse,  
21 child, or dependent of such person is entitled to benefits under this  
22 chapter when the injury for which benefits are sought, was:

23       (a) The result of consent, provocation, or incitement by the  
24 victim, unless an injury resulting from a criminal act caused the death  
25 of the victim;

26       (b) Sustained while the crime victim was engaged in the attempt to  
27 commit, or the commission of, a felony; or

28       (c) Sustained while the victim was confined in any county or city  
29 jail, federal jail or prison or in any other federal institution, or  
30 any state correctional institution maintained and operated by the

1 department of social and health services or the department of  
2 corrections, prior to release from lawful custody; or confined or  
3 living in any other institution maintained and operated by the  
4 department of social and health services or the department of  
5 corrections.

6 (4) The benefits established upon the death of a worker and  
7 contained in RCW 51.32.050 shall be the benefits obtainable under this  
8 chapter and provisions relating to payment contained in that section  
9 shall equally apply under this chapter(~~(:—PROVIDED)~~), except that  
10 benefits for burial expenses shall not exceed (~~(the amount paid by the~~  
11 ~~department in case of the death of a worker as provided in chapter~~  
12 ~~51.32 RCW in any claim:—PROVIDED FURTHER, That if the criminal act~~  
13 ~~results in the death of a victim who was not gainfully employed at the~~  
14 ~~time of the criminal act, and who was not so employed for at least~~  
15 ~~three consecutive months of the twelve months immediately preceding the~~  
16 ~~criminal act;~~

17 (a) ~~Benefits payable to an eligible surviving spouse, where there~~  
18 ~~are no children of the victim at the time of the criminal act who have~~  
19 ~~survived the victim or where such spouse has legal custody of all of~~  
20 ~~his or her children, shall be limited to burial expenses and a lump sum~~  
21 ~~payment of seven thousand five hundred dollars without reference to~~  
22 ~~number of children, if any;~~

23 (b) ~~Where any such spouse has legal custody of one or more but not~~  
24 ~~all of such children, then such burial expenses shall be paid, and such~~  
25 ~~spouse shall receive a lump sum payment of three thousand seven hundred~~  
26 ~~fifty dollars and any such child or children not in the legal custody~~  
27 ~~of such spouse shall receive a lump sum of three thousand seven hundred~~  
28 ~~fifty dollars to be divided equally among such child or children;~~

29 (c) ~~If any such spouse does not have legal custody of any of the~~  
30 ~~children, the burial expenses shall be paid and the spouse shall~~  
31 ~~receive a lump sum payment of up to three thousand seven hundred fifty~~  
32 ~~dollars and any such child or children not in the legal custody of the~~  
33 ~~spouse shall receive a lump sum payment of up to three thousand seven~~  
34 ~~hundred fifty dollars to be divided equally among the child or~~  
35 ~~children;~~

36 (d) ~~If no such spouse survives, then such burial expenses shall be~~  
37 ~~paid, and each surviving child of the victim at the time of the~~  
38 ~~criminal act shall receive a lump sum payment of three thousand seven~~

1 ~~hundred fifty dollars up to a total of two such children and where~~  
2 ~~there are more than two such children the sum of seven thousand five~~  
3 ~~hundred dollars shall be divided equally among such children.~~

4 No other benefits may be paid or payable under these  
5 circumstances)) six thousand five hundred dollars per claim.

6 (5) The benefits established in RCW 51.32.060 for permanent total  
7 disability proximately caused by the criminal act shall be the benefits  
8 obtainable under this chapter, and provisions relating to payment  
9 contained in that section apply under this chapter(~~(:—PROVIDED)~~),  
10 except that if a victim becomes permanently and totally disabled as a  
11 proximate result of the criminal act (~~(and was not gainfully employed~~  
12 ~~at the time of the criminal act)~~), the victim shall receive monthly  
13 during the period of the disability the following percentages, where  
14 applicable, of the average monthly wage determined as of the date of  
15 the criminal act pursuant to RCW 51.08.018:

16 (a) If married at the time of the criminal act, twenty-nine percent  
17 of the average monthly wage.

18 (b) If married with one child at the time of the criminal act,  
19 thirty-four percent of the average monthly wage.

20 (c) If married with two children at the time of the criminal act,  
21 thirty-eight percent of the average monthly wage.

22 (d) If married with three children at the time of the criminal act,  
23 forty-one percent of the average monthly wage.

24 (e) If married with four children at the time of the criminal act,  
25 forty-four percent of the average monthly wage.

26 (f) If married with five or more children at the time of the  
27 criminal act, forty-seven percent of the average monthly wage.

28 (g) If unmarried at the time of the criminal act, twenty-five  
29 percent of the average monthly wage.

30 (h) If unmarried with one child at the time of the criminal act,  
31 thirty percent of the average monthly wage.

32 (i) If unmarried with two children at the time of the criminal act,  
33 thirty-four percent of the average monthly wage.

34 (j) If unmarried with three children at the time of the criminal  
35 act, thirty-seven percent of the average monthly wage.

36 (k) If unmarried with four children at the time of the criminal  
37 act, forty percent of the average monthly wage.

1 (1) If unmarried with five or more children at the time of the  
2 criminal act, forty-three percent of the average monthly wage.

3 (6) The benefits established in RCW 51.32.080 for permanent partial  
4 disability shall be the benefits obtainable under this chapter, and  
5 provisions relating to payment contained in that section equally apply  
6 under this chapter, but shall not exceed seven thousand dollars per  
7 claim.

8 (7) The benefits established in RCW 51.32.090 for temporary total  
9 disability shall be the benefits obtainable under this chapter, and  
10 provisions relating to payment contained in that section apply under  
11 this chapter(~~(;—PROVIDED)~~), except that no person is eligible for  
12 temporary total disability benefits under this chapter if such person  
13 was not gainfully employed at the time of the criminal act(~~(, and was~~  
14 ~~not so employed for at least three consecutive months of the twelve~~  
15 ~~months immediately preceding the criminal act)~~)).

16 (8) The benefits established in RCW 51.32.095 for continuation of  
17 benefits during vocational rehabilitation shall be benefits obtainable  
18 under this chapter, and provisions relating to payment contained in  
19 that section apply under this chapter(~~(;—PROVIDED)~~), except that  
20 benefits shall not exceed five thousand dollars for any single injury.

21 (9) The provisions for lump sum payment of benefits upon death or  
22 permanent total disability as contained in RCW 51.32.130 apply under  
23 this chapter.

24 (10) The provisions relating to payment of benefits to, for or on  
25 behalf of workers contained in RCW 51.32.040, 51.32.055, 51.32.100,  
26 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160, and  
27 51.32.210 are applicable to payment of benefits to, for or on behalf of  
28 victims under this chapter.

29 (11) No person or spouse, child, or dependent of such person is  
30 entitled to benefits under this chapter where the person making a claim  
31 for such benefits has refused to give reasonable cooperation to state  
32 or local law enforcement agencies in their efforts to apprehend and  
33 convict the perpetrator(s) of the criminal act which gave rise to the  
34 claim.

35 (12) In addition to other benefits provided under this chapter,  
36 victims of sexual assault are entitled to receive appropriate  
37 counseling. Fees for such counseling shall be determined by the  
38 department in accordance with RCW 51.04.030, subject to the limitations

1 of RCW 7.68.080. Counseling services may include, if determined  
2 appropriate by the department, counseling of members of the victim's  
3 immediate family, other than the perpetrator of the assault.

4 ~~(13) ((Except for medical benefits authorized under RCW 7.68.080,~~  
5 ~~no more than thirty thousand dollars shall be granted as a result of a~~  
6 ~~single injury or death, except that benefits granted as the result of~~  
7 ~~total permanent disability or death shall not exceed forty thousand~~  
8 ~~dollars.~~

9 ~~(14))~~ Notwithstanding other provisions of this chapter and Title  
10 51 RCW, benefits payable for total temporary disability under  
11 subsection (7) of this section, shall be limited to fifteen thousand  
12 dollars.

13 ~~((15))~~ (14) Any person who is responsible for the victim's  
14 injuries, or who would otherwise be unjustly enriched as a result of  
15 the victim's injuries, shall not be a beneficiary under this chapter.

16 ~~((16))~~ (15) Crime victims' compensation is not available to pay  
17 for services covered under chapter 74.09 RCW or Title XIX of the  
18 federal social security act, except to the extent that the costs for  
19 such services exceed service limits established by the department of  
20 social and health services or, during the 1993-95 fiscal biennium, to  
21 the extent necessary to provide matching funds for federal medicaid  
22 reimbursement.

23 ~~((17))~~ (16) In addition to other benefits provided under this  
24 chapter, immediate family members of a homicide victim may receive  
25 appropriate counseling to assist in dealing with the immediate, near-  
26 term consequences of the related effects of the homicide. Fees for  
27 counseling shall be determined by the department in accordance with RCW  
28 51.04.030, subject to the limitations of RCW 7.68.080. Payment of  
29 counseling benefits under this section may not be provided to the  
30 perpetrator of the homicide. The benefits under this subsection may be  
31 provided only with respect to homicides committed on or after July 1,  
32 1992.

33 ~~((18))~~ (17) A dependent mother, father, stepmother, or  
34 stepfather, as defined in RCW 51.08.050, who is a survivor of her or  
35 his child's homicide, who has been requested by a law enforcement  
36 agency or a prosecutor to assist in the judicial proceedings related to  
37 the death of the victim, and who is not domiciled in Washington state  
38 at the time of the request, may receive a lump-sum payment upon arrival

1 in this state. Total benefits under this subsection may not exceed  
2 seven thousand five hundred dollars. If more than one dependent parent  
3 is eligible for this benefit, the lump-sum payment of seven thousand  
4 five hundred dollars shall be divided equally among the dependent  
5 parents.

6 ~~((+19+))~~ (18) A victim whose crime occurred in another state who  
7 qualifies for benefits under RCW 7.68.060(4) may receive appropriate  
8 mental health counseling to address distress arising from participation  
9 in the civil commitment proceedings. Fees for counseling shall be  
10 determined by the department in accordance with RCW 51.04.030, subject  
11 to the limitations of RCW 7.68.080.

12 (19) A victim who has been convicted of a felony within five years  
13 preceding the criminal act for which they are applying which is a  
14 violent offense under RCW 9.94A.030 or a crime against persons under  
15 RCW 9.94A.411, or who is convicted of such a felony after applying, is  
16 not eligible for benefits under this act.

17 **Sec. 2.** RCW 7.68.085 and 2009 c 479 s 9 are each amended to read  
18 as follows:

19 (1) This section has no force or effect from the effective date of  
20 this section until July 1, 2013.

21 (2) The director of labor and industries shall institute a cap on  
22 medical benefits of one hundred fifty thousand dollars per injury or  
23 death. Payment for medical services in excess of the cap shall be made  
24 available to any innocent victim under the same conditions as other  
25 medical services and if the medical services are:

- 26 ~~((+1+))~~ (a) Necessary for a previously accepted condition;
- 27 ~~((+2+))~~ (b) Necessary to protect the victim's life or prevent  
28 deterioration of the victim's previously accepted condition; and
- 29 ~~((+3+))~~ (c) Not available from an alternative source.

30 For the purposes of this section, an individual will not be  
31 required to use his or her assets other than funds recovered as a  
32 result of a civil action or criminal restitution, for medical expenses  
33 or pain and suffering, in order to qualify for an alternative source of  
34 payment.

35 The director shall, in cooperation with the department of social  
36 and health services, establish by October 1, 1989, a process to aid

1 crime victims in identifying and applying for appropriate alternative  
2 benefit programs, if any, administered by the department of social and  
3 health services.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 7.68 RCW  
5 to read as follows:

6 The crime victims' compensation account is created in the custody  
7 of the state treasurer. Expenditures from the account may be used only  
8 for the crime victims' compensation program under this chapter. Only  
9 the director of the department or the director's designee may authorize  
10 expenditures from the account. The account is subject to allotment  
11 procedures under chapter 43.88 RCW, but an appropriation is not  
12 required for expenditures.

13 **Sec. 4.** RCW 9A.82.110 and 2009 c 479 s 11 are each amended to read  
14 as follows:

15 (1) In an action brought by the attorney general on behalf of the  
16 state under RCW 9A.82.100(1)(b)(i) in which the state prevails, any  
17 payments ordered in excess of the actual damages sustained shall be  
18 deposited in the ((state-general-fund)) crime victims' compensation  
19 account provided in section 3 of this act.

20 (2)(a) The county legislative authority may establish an  
21 antiprofitereering revolving fund to be administered by the county  
22 prosecuting attorney under the conditions and for the purposes provided  
23 by this subsection. Disbursements from the fund shall be on  
24 authorization of the county prosecuting attorney. No appropriation is  
25 required for disbursements.

26 (b) Any prosecution and investigation costs, including attorney's  
27 fees, recovered for the state by the county prosecuting attorney as a  
28 result of enforcement of civil and criminal statutes pertaining to any  
29 offense included in the definition of criminal profiteering, whether by  
30 final judgment, settlement, or otherwise, shall be deposited, as  
31 directed by a court of competent jurisdiction, in the fund established  
32 by this subsection. In an action brought by a prosecuting attorney on  
33 behalf of the county under RCW 9A.82.100(1)(b)(i) in which the county  
34 prevails, any payments ordered in excess of the actual damages  
35 sustained shall be deposited in the ((state-general-fund)) crime  
36 victims' compensation account provided in section 3 of this act.

1 (c) The county legislative authority may prescribe a maximum level  
2 of moneys in the antiprofitteering revolving fund. Moneys exceeding the  
3 prescribed maximum shall be transferred to the county current expense  
4 fund.

5 (d) The moneys in the fund shall be used by the county prosecuting  
6 attorney for the investigation and prosecution of any offense, within  
7 the jurisdiction of the county prosecuting attorney, included in the  
8 definition of criminal profiteering, including civil enforcement.

9 (e) If a county has not established an antiprofitteering revolving  
10 fund, any payments or forfeitures ordered to the county under this  
11 chapter shall be deposited to the county current expense fund.

12 **Sec. 5.** RCW 72.09.111 and 2009 c 479 s 60 are each amended to read  
13 as follows:

14 (1) The secretary shall deduct taxes and legal financial  
15 obligations from the gross wages, gratuities, or workers' compensation  
16 benefits payable directly to the inmate under chapter 51.32 RCW, of  
17 each inmate working in correctional industries work programs, or  
18 otherwise receiving such wages, gratuities, or benefits. The secretary  
19 shall also deduct child support payments from the gratuities of each  
20 inmate working in class II through class IV correctional industries  
21 work programs. The secretary shall develop a formula for the  
22 distribution of offender wages, gratuities, and benefits. The formula  
23 shall not reduce the inmate account below the indigency level, as  
24 defined in RCW 72.09.015.

25 (a) The formula shall include the following minimum deductions from  
26 class I gross wages and from all others earning at least minimum wage:

27 (i) Five percent to the (~~state-general-fund~~) crime victims'  
28 compensation account provided in section 3 of this act;

29 (ii) Ten percent to a department personal inmate savings account;

30 (iii) Twenty percent to the department to contribute to the cost of  
31 incarceration; and

32 (iv) Twenty percent for payment of legal financial obligations for  
33 all inmates who have legal financial obligations owing in any  
34 Washington state superior court.

35 (b) The formula shall include the following minimum deductions from  
36 class II gross gratuities:



1 (i) Five percent to the (~~state-general-fund~~) crime victims'  
2 compensation account provided in section 3 of this act;

3 (ii) Ten percent to a department personal inmate savings account;

4 (iii) Fifteen percent to the department to contribute to the cost  
5 of incarceration;

6 (iv) Twenty percent for payment of legal financial obligations for  
7 all inmates who have legal financial obligations owing in any  
8 Washington state superior court; and

9 (v) Fifteen percent for any child support owed under a support  
10 order.

11 (c) The formula shall include the following minimum deductions from  
12 any workers' compensation benefits paid pursuant to RCW 51.32.080:

13 (i) Five percent to the (~~state-general-fund~~) crime victims'  
14 compensation account provided in section 3 of this act;

15 (ii) Ten percent to a department personal inmate savings account;

16 (iii) Twenty percent to the department to contribute to the cost of  
17 incarceration; and

18 (iv) An amount equal to any legal financial obligations owed by the  
19 inmate established by an order of any Washington state superior court  
20 up to the total amount of the award.

21 (d) The formula shall include the following minimum deductions from  
22 class III gratuities:

23 (i) Five percent for the (~~state-general-fund~~) crime victims'  
24 compensation account provided in section 3 of this act; and

25 (ii) Fifteen percent for any child support owed under a support  
26 order.

27 (e) The formula shall include the following minimum deduction from  
28 class IV gross gratuities:

29 (i) Five percent to the department to contribute to the cost of  
30 incarceration; and

31 (ii) Fifteen percent for any child support owed under a support  
32 order.

33 (2) Any person sentenced to life imprisonment without possibility  
34 of release or parole under chapter 10.95 RCW or sentenced to death  
35 shall be exempt from the requirement under subsection (1)(a)(ii),  
36 (b)(ii), or (c)(ii).

37 (3)(a) The department personal inmate savings account, together

1 with any accrued interest, shall only be available to an inmate at the  
2 following times:

3 (i) The time of his or her release from confinement;

4 (ii) Prior to his or her release from confinement in order to  
5 secure approved housing; or

6 (iii) When the secretary determines that an emergency exists for  
7 the inmate.

8 (b) If funds are made available pursuant to (a)(ii) or (iii) of  
9 this subsection, the funds shall be made available to the inmate in an  
10 amount determined by the secretary.

11 (c) The management of classes I, II, and IV correctional industries  
12 may establish an incentive payment for offender workers based on  
13 productivity criteria. This incentive shall be paid separately from  
14 the hourly wage/gratuity rate and shall not be subject to the specified  
15 deduction for cost of incarceration.

16 (4)(a) Subject to availability of funds for the correctional  
17 industries program, the expansion of inmate employment in class I and  
18 class II correctional industries shall be implemented according to the  
19 following schedule:

20 (i) Not later than June 30, 2005, the secretary shall achieve a net  
21 increase of at least two hundred in the number of inmates employed in  
22 class I or class II correctional industries work programs above the  
23 number so employed on June 30, 2003;

24 (ii) Not later than June 30, 2006, the secretary shall achieve a  
25 net increase of at least four hundred in the number of inmates employed  
26 in class I or class II correctional industries work programs above the  
27 number so employed on June 30, 2003;

28 (iii) Not later than June 30, 2007, the secretary shall achieve a  
29 net increase of at least six hundred in the number of inmates employed  
30 in class I or class II correctional industries work programs above the  
31 number so employed on June 30, 2003;

32 (iv) Not later than June 30, 2008, the secretary shall achieve a  
33 net increase of at least nine hundred in the number of inmates employed  
34 in class I or class II correctional industries work programs above the  
35 number so employed on June 30, 2003;

36 (v) Not later than June 30, 2009, the secretary shall achieve a net  
37 increase of at least one thousand two hundred in the number of inmates

1 employed in class I or class II correctional industries work programs  
2 above the number so employed on June 30, 2003;

3 (vi) Not later than June 30, 2010, the secretary shall achieve a  
4 net increase of at least one thousand five hundred in the number of  
5 inmates employed in class I or class II correctional industries work  
6 programs above the number so employed on June 30, 2003.

7 (b) Failure to comply with the schedule in this subsection does not  
8 create a private right of action.

9 (5) In the event that the offender worker's wages, gratuity, or  
10 workers' compensation benefit is subject to garnishment for support  
11 enforcement, the (~~state-general-fund~~) crime victims' compensation  
12 account, savings, and cost of incarceration deductions shall be  
13 calculated on the net wages after taxes, legal financial obligations,  
14 and garnishment.

15 (6) The department shall explore other methods of recovering a  
16 portion of the cost of the inmate's incarceration and for encouraging  
17 participation in work programs, including development of incentive  
18 programs that offer inmates benefits and amenities paid for only from  
19 wages earned while working in a correctional industries work program.

20 (7) The department shall develop the necessary administrative  
21 structure to recover inmates' wages and keep records of the amount  
22 inmates pay for the costs of incarceration and amenities. All funds  
23 deducted from inmate wages under subsection (1) of this section for the  
24 purpose of contributions to the cost of incarceration shall be  
25 deposited in a dedicated fund with the department and shall be used  
26 only for the purpose of enhancing and maintaining correctional  
27 industries work programs.

28 (8) It shall be in the discretion of the secretary to apportion the  
29 inmates between class I and class II depending on available contracts  
30 and resources.

31 (9) Nothing in this section shall limit the authority of the  
32 department of social and health services division of child support from  
33 taking collection action against an inmate's moneys, assets, or  
34 property pursuant to chapter 26.23, 74.20, or 74.20A RCW.

35 **Sec. 6.** RCW 72.09.480 and 2009 c 479 s 61 are each amended to read  
36 as follows:

1 (1) Unless the context clearly requires otherwise, the definitions  
2 in this section apply to this section.

3 (a) "Cost of incarceration" means the cost of providing an inmate  
4 with shelter, food, clothing, transportation, supervision, and other  
5 services and supplies as may be necessary for the maintenance and  
6 support of the inmate while in the custody of the department, based on  
7 the average per inmate costs established by the department and the  
8 office of financial management.

9 (b) "Minimum term of confinement" means the minimum amount of time  
10 an inmate will be confined in the custody of the department,  
11 considering the sentence imposed and adjusted for the total potential  
12 earned early release time available to the inmate.

13 (c) "Program" means any series of courses or classes necessary to  
14 achieve a proficiency standard, certificate, or postsecondary degree.

15 (2) When an inmate, except as provided in subsections (4) and (8)  
16 of this section, receives any funds in addition to his or her wages or  
17 gratuities, except settlements or awards resulting from legal action,  
18 the additional funds shall be subject to the following deductions and  
19 the priorities established in chapter 72.11 RCW:

20 (a) Five percent to the (~~state-general-fund~~) crime victims'  
21 compensation account provided in section 3 of this act;

22 (b) Ten percent to a department personal inmate savings account;

23 (c) Twenty percent for payment of legal financial obligations for  
24 all inmates who have legal financial obligations owing in any  
25 Washington state superior court;

26 (d) Twenty percent for any child support owed under a support  
27 order; and

28 (e) Twenty percent to the department to contribute to the cost of  
29 incarceration.

30 (3) When an inmate, except as provided in subsection (8) of this  
31 section, receives any funds from a settlement or award resulting from  
32 a legal action, the additional funds shall be subject to the deductions  
33 in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11  
34 RCW.

35 (4) When an inmate who is subject to a child support order receives  
36 funds from an inheritance, the deduction required under subsection  
37 (2)(e) of this section shall only apply after the child support  
38 obligation has been paid in full.

1 (5) The amount deducted from an inmate's funds under subsection (2)  
2 of this section shall not exceed the department's total cost of  
3 incarceration for the inmate incurred during the inmate's minimum or  
4 actual term of confinement, whichever is longer.

5 (6)(a) The deductions required under subsection (2) of this section  
6 shall not apply to funds received by the department from an offender or  
7 from a third party on behalf of an offender for payment of education or  
8 vocational programs or postsecondary education degree programs as  
9 provided in RCW 72.09.460 and 72.09.465.

10 (b) The deductions required under subsection (2) of this section  
11 shall not apply to funds received by the department from a third party,  
12 including but not limited to a nonprofit entity on behalf of the  
13 department's education, vocation, or postsecondary education degree  
14 programs.

15 (7) The deductions required under subsection (2) of this section  
16 shall not apply to any money received by the department, on behalf of  
17 an inmate, from family or other outside sources for the payment of  
18 postage expenses. Money received under this subsection may only be  
19 used for the payment of postage expenses and may not be transferred to  
20 any other account or purpose. Money that remains unused in the  
21 inmate's postage fund at the time of release shall be subject to the  
22 deductions outlined in subsection (2) of this section.

23 (8) When an inmate sentenced to life imprisonment without  
24 possibility of release or sentenced to death under chapter 10.95 RCW  
25 receives funds, deductions are required under subsection (2) of this  
26 section, with the exception of a personal inmate savings account under  
27 subsection (2)(b) of this section.

28 (9) The secretary of the department of corrections, or his or her  
29 designee, may exempt an inmate from a personal inmate savings account  
30 under subsection (2)(b) of this section if the inmate's earliest  
31 release date is beyond the inmate's life expectancy.

32 (10) The interest earned on an inmate savings account created as a  
33 result of the plan in section 4, chapter 325, Laws of 1999 shall be  
34 exempt from the mandatory deductions under this section and RCW  
35 72.09.111.

36 (11) Nothing in this section shall limit the authority of the  
37 department of social and health services division of child support, the  
38 county clerk, or a restitution recipient from taking collection action

1 against an inmate's moneys, assets, or property pursuant to chapter  
2 9.94A, 26.23, 74.20, or 74.20A RCW including, but not limited to, the  
3 collection of moneys received by the inmate from settlements or awards  
4 resulting from legal action.

5 NEW SECTION. **Sec. 7.** Sections 1 and 2 of this act are necessary  
6 for the immediate preservation of the public peace, health, or safety,  
7 or support of the state government and its existing public  
8 institutions, and take effect April 1, 2010, for all claims of victims  
9 of criminal acts occurring after July 1, 1981.

10 NEW SECTION. **Sec. 8.** Sections 1 and 2 of this act expire July 1,  
11 2013."

**2SSB 6504** - S AMD  
By Senator Hargrove

12 On page 1, line 1 of the title, after "program;" strike the  
13 remainder of the title and insert "amending RCW 7.68.070, 7.68.085,  
14 9A.82.110, 72.09.111, and 72.09.480; adding a new section to chapter  
15 7.68 RCW; providing an effective date; providing an expiration date;  
16 and declaring an emergency."

EFFECT: (1) Differences between striking amendment and second  
substitute bill:

A new account is created entitled the Crime Victims' Compensation  
Account, which is dedicated to the Crime Victims' Compensation Program.  
A portion of moneys deposited in inmate accounts and the proceeds from  
certain criminal profiteering recovery actions are deposited in this  
account.

(2) Differences between striking amendment and original bill:

The maximum reimbursement for burial expenses is \$6,500 (compared  
to \$5,000 in the original bill and \$7,500 under current law).

The exclusion of program benefits for any victim who does not apply within one year of the date of the criminal act is eliminated (victims will continue to be required to apply within two years in order to be eligible under current law).

The exclusion of program benefits for any victim who does not report the crime within 90 days of the criminal act is eliminated (victims will continue to be required to report the crime within twelve months in order to be eligible under current law).

The exclusion of program benefits for any victim convicted of a felony within five years before the criminal act is limited to felonies which are classified as violent or as crimes against persons.

An expiration date of July 1, 2013, is added for all provisions that would reduce the availability of crime victims' compensation.

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