
Appropriations Committee

SSB 5814

Brief Description: Providing funding for medical evaluations of suspected victims of child abuse.

Sponsors: Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Senators Cleveland, Dhingra, Keiser, Lovelett, Lovick and Wilson, C.).

Brief Summary of Substitute Bill

- Requires the Department of Labor and Industries (Department) to cover the costs for the examination of a suspected victim of assault to a child, subject to appropriation.
- Requires the Department to report information related to such claims to the Legislature and Governor by November 1, 2023, and annually thereafter.

Hearing Date: 2/22/22

Staff: Jackie Wheeler (786-7125).

Background:

Crime Victim Compensation Program

The Department of Labor and Industries (Department) administers the Crime Victims Compensation Program (Program), which generally provides benefits to victims of criminal acts, subject to certain limitations. For those eligible, the Program may help cover medical or dental treatment, medication expenses, mental health treatment, grief counseling, partial wage loss replacement, funeral expenses, and expenses not cover by other insurance.

Benefits under the Program are secondary to services available from any other public or private

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insurance, meaning the Program is the payer of last resort. However, sexual assault examinations are conducted at no cost to the individual and must be billed to the Program for payment to the medical provider. The client is not required to file an application with the Department, use their own insurance, or report to the police to receive the benefit and may not be billed for those costs. If additional medical or mental health treatment is required, a crime victim's compensation claim can be filed with the Department to determine eligibility for benefits.

Assault of a Child

A person 18 years of age or older is guilty of the crime of assault of a child in the first degree if: the child is under the age of 13 and the person commits the crime against the child or intentionally assaults the child; either recklessly inflicts great bodily harm or causes substantial bodily harm; and the person has previously been engaged in a pattern or practice of assaulting the child, resulting in greater-than-transient pain or minor temporary marks, or causing physical pain or agony that is equivalent to torture. Assault of a child in the first degree is a class A felony.

A person 18 years of age or older is guilty of the crime of assault of a child in the second degree if: the child is under the age of 13 and the person commits the crime against the child or intentionally assaults the child, causing bodily harm resulting in greater-than-transient physical pain or minor temporary marks; and the person has previously been engaged in a pattern of assaulting the child, resulting in greater-than-transient pain or minor temporary marks, or causing the child physical pain that is equivalent to torture. Assault of a child in the second degree is a class B felony.

A person 18 years of age or older is guilty of the crime of assault of a child in the third degree if: the child is under the age of 13 and the person commits the crime by causing bodily harm with criminal negligence by means of a weapon or instrument with criminal negligence; or accompanied by substantial pain that extends for a period sufficient to cause considerable suffering. Assault of a child in the third degree is a class C felony.

Medical Evaluations of Suspected Child Victims

In 2015, the Legislature passed Substitute Senate Bill 5897 requiring the Department to pay, secondary to other insurance, all costs incurred by the medical examination of suspected victims of Assault of a Child, with some limitations. This law expired on June 30, 2019. In the 2020 Supplemental Operating Budget, the Legislature appropriated \$50,000 for the Department to pay for child physical abuse examinations for fiscal year (FY) 2021.

Summary of Bill:

No costs for the examination of a suspected victim of assault of a child incurred by a private or public hospital or any other facility providing medical diagnosis or care may be billed to the suspected victim of the assault. Subject to the availability of amounts appropriated for this specific purpose, the Department of Labor and Industries (Department) must pay for all costs and

notify the Office of Financial Management and the fiscal committees of the Legislature if it projects that the costs of these services exceed the amount of funding provided by the Legislature.

By November 1, 2023, and annually thereafter, the Department must submit a report to the Legislature and Governor with the following information:

- the number of requests to pay for physical abuse exams for child victims of assault;
- how many of these requests are approved and denied, including the reasons for denial;
- how many of the exams were covered for another reason; and
- any other information the Department believes is beneficial.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.