
SUBSTITUTE SENATE BILL 6664

State of Washington

56th Legislature

2000 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Costa and Kohl-Welles)

Read first time 02/04/2000.

1 AN ACT Relating to victims' compensation; and amending RCW 7.68.060
2 and 7.68.035.

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

4 **Sec. 1.** RCW 7.68.060 and 1996 c 122 s 4 are each amended to read
5 as follows:

6 (1) For the purposes of applying for benefits under this chapter,
7 the rights, privileges, responsibilities, duties, limitations and
8 procedures contained in RCW 51.28.020, 51.28.030, 51.28.040 and
9 51.28.060 shall apply: PROVIDED, That except for applications received
10 pursuant to subsection (4) of this section, no compensation of any kind
11 shall be available under this chapter if:

12 (a) An application for benefits is not received by the department
13 within two years after the date the criminal act was reported to a
14 (~~local police department or sheriff's office~~) law enforcement agency
15 or, in cases of abuse or neglect of children or adult dependent
16 persons, the agency providing child or adult protective services, or
17 the date the rights of dependents or beneficiaries accrued, unless the
18 director has determined that "good cause" exists to expand the time
19 permitted to receive the application. "Good cause" shall be determined

1 by the department on a case-by-case basis and may extend the period of
2 time in which an application can be received for up to five years after
3 the date the criminal act was reported (~~(to a local police department~~
4 ~~or sheriff's office))~~) or the date the rights of dependents or
5 beneficiaries accrued; or

6 (b) The criminal act is not reported by the victim or someone on
7 his or her behalf to a (~~local police department or sheriff's office~~)
8 law enforcement agency or, in cases of abuse or neglect of children or
9 adult dependent persons, the agency providing child or adult protective
10 services, within twelve months of its occurrence or, if it could not
11 reasonably have been reported within that period, within twelve months
12 of the time when a report could reasonably have been made. In making
13 determinations as to reasonable time limits, the department shall give
14 greatest weight to the needs of the victims.

15 (2) This section shall apply only to criminal acts reported after
16 December 31, 1985.

17 (3) Because victims of childhood criminal acts may repress
18 conscious memory of such criminal acts far beyond the age of eighteen,
19 the rights of adult victims of childhood criminal acts shall accrue at
20 the time the victim discovers or reasonably should have discovered the
21 elements of the crime. In making determinations as to reasonable time
22 limits, the department shall give greatest weight to the needs of the
23 victim.

24 (4) A right to benefits under this chapter shall be available to
25 any victim of a person against whom the state initiates proceedings
26 under chapter 71.09 RCW. The right created under this subsection shall
27 accrue when the victim is notified of proceedings under chapter 71.09
28 RCW or the victim is interviewed, deposed, or named as a witness in
29 connection with the proceedings. An application for benefits under
30 this subsection must be received by the department within two years
31 after the date the victim's right accrued unless the director
32 determines that good cause exists to expand the time to receive the
33 application. "Good cause" shall be determined by the director on a
34 case-by-case basis and may extend the period of time in which an
35 application can be received for up to five years after the date the
36 right of the victim accrued. Benefits under this subsection shall be
37 limited to compensation for costs or losses incurred on or after the
38 date the victim's right accrues for a claim allowed under this

1 subsection. Benefits paid under RCW 7.68.070 shall take precedence
2 over those paid under this section.

3 **Sec. 2.** RCW 7.68.035 and 1999 c 86 s 1 are each amended to read as
4 follows:

5 (1)(a) (~~Whenever~~) When any person is found guilty in any superior
6 court of having committed a crime, except as provided in subsection (2)
7 of this section, there shall be imposed by the court upon such
8 convicted person a penalty assessment. The assessment shall be in
9 addition to any other penalty or fine imposed by law and shall be five
10 hundred dollars for each case or cause of action that includes one or
11 more convictions of a felony or gross misdemeanor and two hundred fifty
12 dollars for any case or cause of action that includes convictions of
13 only one or more misdemeanors.

14 (b) (~~Whenever~~) When any juvenile is adjudicated of any offense in
15 any juvenile offense disposition under Title 13 RCW, except as provided
16 in subsection (2) of this section, there shall be imposed upon the
17 juvenile offender a penalty assessment. The assessment shall be in
18 addition to any other penalty or fine imposed by law and shall be one
19 hundred dollars for each case or cause of action that includes one or
20 more adjudications for a felony or gross misdemeanor and seventy-five
21 dollars for each case or cause of action that includes adjudications of
22 only one or more misdemeanors.

23 (2) The assessment imposed by subsection (1) of this section shall
24 not apply to motor vehicle crimes defined in Title 46 RCW except those
25 defined in the following sections: RCW 46.61.520, 46.61.522,
26 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504, 46.52.101,
27 46.20.410, 46.52.020, 46.10.130, 46.09.130, 46.61.5249, 46.61.525,
28 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180,
29 46.10.090(2), and 46.09.120(2).

30 (3) (~~Whenever~~) When any person accused of having committed a
31 crime posts bail in superior court pursuant to the provisions of
32 chapter 10.19 RCW and such bail is forfeited, there shall be deducted
33 from the proceeds of such forfeited bail a penalty assessment, in
34 addition to any other penalty or fine imposed by law, equal to the
35 assessment which would be applicable under subsection (1) of this
36 section if the person had been convicted of the crime.

37 (4) Such penalty assessments shall be paid by the clerk of the
38 superior court to the county treasurer who shall monthly transmit the

1 money as provided in RCW 10.82.070. Each county shall deposit fifty
2 percent of the money it receives per case or cause of action under
3 subsection (1) of this section and retains under RCW 10.82.070, not
4 less than one and seventy-five one-hundredths percent of the remaining
5 money it retains under RCW 10.82.070 and the money it retains under
6 chapter 3.62 RCW, and all money it receives under subsection (7) of
7 this section into a fund maintained exclusively for the support of
8 comprehensive programs to encourage and facilitate testimony by the
9 victims of crimes and witnesses to crimes. A program shall be
10 considered "comprehensive" only after approval of the department upon
11 application by the county prosecuting attorney. The department shall
12 approve as comprehensive only programs which:

13 (a) Provide comprehensive services to victims and witnesses of all
14 types of crime with particular emphasis on serious crimes against
15 persons and property. It is the intent of the legislature to make
16 funds available only to programs which do not restrict services to
17 victims or witnesses of a particular type or types of crime and that
18 such funds supplement, not supplant, existing local funding levels;

19 (b) Are administered by the county prosecuting attorney either
20 directly through the prosecuting attorney's office or by contract
21 between the county and agencies providing services to victims of crime;

22 (c) Make a reasonable effort to inform the known victim or his
23 surviving dependents of the existence of this chapter and the procedure
24 for making application for benefits;

25 (d) Assist victims in the restitution and adjudication process; and

26 (e) Assist victims of violent crimes in the preparation and
27 presentation of their claims to the department of labor and industries
28 under this chapter.

29 Before a program in any county west of the Cascade mountains is
30 submitted to the department for approval, it shall be submitted for
31 review and comment to each city within the county with a population of
32 more than one hundred fifty thousand. The department will consider if
33 the county's proposed comprehensive plan meets the needs of crime
34 victims in cases adjudicated in municipal, district or superior courts
35 and of crime victims located within the city and county.

36 (5) Upon submission to the department of a letter of intent to
37 adopt a comprehensive program, the prosecuting attorney shall retain
38 the money deposited by the county under subsection (4) of this section
39 until such time as the county prosecuting attorney has obtained

1 approval of a program from the department. Approval of the
2 comprehensive plan by the department must be obtained within one year
3 of the date of the letter of intent to adopt a comprehensive program.
4 The county prosecuting attorney shall not make any expenditures from
5 the money deposited under subsection (4) of this section until approval
6 of a comprehensive plan by the department. If a county prosecuting
7 attorney has failed to obtain approval of a program from the department
8 under subsection (4) of this section or failed to obtain approval of a
9 comprehensive program within one year after submission of a letter of
10 intent under this section, the county treasurer shall monthly transmit
11 one hundred percent of the money deposited by the county under
12 subsection (4) of this section to the state treasurer for deposit in
13 the public safety and education account established under RCW
14 43.08.250.

15 (6) County prosecuting attorneys are responsible to make every
16 reasonable effort to insure that the penalty assessments of this
17 chapter are imposed and collected.

18 (7) Every city and town shall transmit monthly one and seventy-five
19 one-hundredths percent of all money, other than money received for
20 parking infractions, retained under RCW 3.46.120, 3.50.100, and
21 35.20.220 to the county treasurer for deposit as provided in subsection
22 (4) of this section.

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