

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6504

Chapter 122, Laws of 2010

61st Legislature
2010 Regular Session

CRIME VICTIMS' COMPENSATION PROGRAM--ELIGIBILITY--BENEFITS

EFFECTIVE DATE: 06/10/10 - Except sections 1 and 2, which become effective 04/01/10.

Passed by the Senate March 11, 2010
YEAS 46 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 11, 2010
YEAS 97 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 6504** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

Approved March 18, 2010, 3:01 p.m.

FILED

March 18, 2010

CHRISTINE GREGOIRE

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6504

AS AMENDED BY THE HOUSE

Passed Legislature - 2010 Regular Session

State of Washington 61st Legislature 2010 Regular Session

By Senate Ways & Means (originally sponsored by Senator Hargrove; by request of Department of Labor & Industries)

READ FIRST TIME 02/09/10.

1 AN ACT Relating to the crime victims' compensation program;
2 amending RCW 7.68.070, 7.68.085, 9A.82.110, 72.09.111, and 72.09.480;
3 adding new sections to chapter 7.68 RCW; providing an effective date;
4 providing an expiration date; and declaring an emergency.

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

6 **Sec. 1.** RCW 7.68.070 and 2009 c 38 s 1 are each amended to read as
7 follows:

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

12 (1) The provisions contained in RCW 51.32.015, 51.32.030,
13 51.32.072, 51.32.073, 51.32.180, 51.32.190, and 51.32.200 are not
14 applicable to this chapter.

15 (2) Each victim injured as a result of a criminal act, including
16 criminal acts committed between July 1, 1981, and January 1, 1983, or
17 the victim's family or dependents in case of death of the victim, are
18 entitled to benefits in accordance with this chapter, subject to the

1 limitations under RCW 7.68.015. The rights, duties, responsibilities,
2 limitations, and procedures applicable to a worker as contained in RCW
3 51.32.010 are applicable to this chapter.

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

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

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

13 (c) Sustained while the victim was confined in any county or city
14 jail, federal jail or prison or in any other federal institution, or
15 any state correctional institution maintained and operated by the
16 department of social and health services or the department of
17 corrections, prior to release from lawful custody; or confined or
18 living in any other institution maintained and operated by the
19 department of social and health services or the department of
20 corrections.

21 (4) The benefits established upon the death of a worker and
22 contained in RCW 51.32.050 shall be the benefits obtainable under this
23 chapter and provisions relating to payment contained in that section
24 shall equally apply under this chapter(~~(:—PROVIDED)~~), except that:

25 (a) Benefits for burial expenses shall not exceed ((the amount paid
26 ~~by the department in case of the death of a worker as provided in~~
27 ~~chapter 51.32 RCW in any claim:— PROVIDED FURTHER, That if the criminal~~
28 ~~act results in the death of a victim who was not gainfully employed at~~
29 ~~the time of the criminal act, and who was not so employed for at least~~
30 ~~three consecutive months of the twelve months immediately preceding the~~
31 ~~criminal act;~~

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

1 ~~(b) Where any such spouse has legal custody of one or more but not~~
2 ~~all of such children, then such burial expenses shall be paid, and such~~
3 ~~spouse shall receive a lump sum payment of three thousand seven hundred~~
4 ~~fifty dollars and any such child or children not in the legal custody~~
5 ~~of such spouse shall receive a lump sum of three thousand seven hundred~~
6 ~~fifty dollars to be divided equally among such child or children;~~

7 ~~(c) If any such spouse does not have legal custody of any of the~~
8 ~~children, the burial expenses shall be paid and the spouse shall~~
9 ~~receive a lump sum payment of up to three thousand seven hundred fifty~~
10 ~~dollars and any such child or children not in the legal custody of the~~
11 ~~spouse shall receive a lump sum payment of up to three thousand seven~~
12 ~~hundred fifty dollars to be divided equally among the child or~~
13 ~~children;~~

14 ~~(d) If no such spouse survives, then such burial expenses shall be~~
15 ~~paid, and each surviving child of the victim at the time of the~~
16 ~~criminal act shall receive a lump sum payment of three thousand seven~~
17 ~~hundred fifty dollars up to a total of two such children and where~~
18 ~~there are more than two such children the sum of seven thousand five~~
19 ~~hundred dollars shall be divided equally among such children.~~

20 ~~No other benefits may be paid or payable under these~~
21 ~~circumstances)) five thousand seven hundred fifty dollars per claim;~~
22 ~~and~~

23 ~~(b) An application for benefits relating to payment for burial~~
24 ~~expenses, pursuant to this subsection, must be received within twelve~~
25 ~~months of the date upon which the death of the victim is officially~~
26 ~~recognized as a homicide. If there is a delay in the recovery of~~
27 ~~remains or the release of remains for burial, application for benefits~~
28 ~~must be received within twelve months of the date of the release of the~~
29 ~~remains for burial.~~

30 (5) The benefits established in RCW 51.32.060 for permanent total
31 disability proximately caused by the criminal act shall be the benefits
32 obtainable under this chapter, and provisions relating to payment
33 contained in that section apply under this chapter(~~(:—PROVIDED)~~),
34 except that if a victim becomes permanently and totally disabled as a
35 proximate result of the criminal act ((and was not gainfully employed
36 at the time of the criminal act)), the victim shall receive monthly
37 during the period of the disability the following percentages, where

1 applicable, of the average monthly wage determined as of the date of
2 the criminal act pursuant to RCW 51.08.018:

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (7) The benefits established in RCW 51.32.090 for temporary total
33 disability shall be the benefits obtainable under this chapter, and
34 provisions relating to payment contained in that section apply under
35 this chapter(~~(:—PROVIDED)~~), except that no person is eligible for
36 temporary total disability benefits under this chapter if such person
37 was not gainfully employed at the time of the criminal act(~~(, and was~~

1 ~~not so employed for at least three consecutive months of the twelve~~
2 ~~months immediately preceding the criminal act)).~~

3 (8) The benefits established in RCW 51.32.095 for continuation of
4 benefits during vocational rehabilitation shall be benefits obtainable
5 under this chapter, and provisions relating to payment contained in
6 that section apply under this chapter(~~(+---PROVIDED)~~), except that
7 benefits shall not exceed five thousand dollars for any single injury.

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

11 (10) The provisions relating to payment of benefits to, for or on
12 behalf of workers contained in RCW 51.32.040, 51.32.055, 51.32.100,
13 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160, and
14 51.32.210 are applicable to payment of benefits to, for or on behalf of
15 victims under this chapter.

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

22 (12) In addition to other benefits provided under this chapter,
23 victims of sexual assault are entitled to receive appropriate
24 counseling. Fees for such counseling shall be determined by the
25 department in accordance with RCW 51.04.030, subject to the limitations
26 of RCW 7.68.080. Counseling services may include, if determined
27 appropriate by the department, counseling of members of the victim's
28 immediate family, other than the perpetrator of the assault.

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

34 (~~+14~~)) Notwithstanding other provisions of this chapter and Title
35 51 RCW, benefits payable for total temporary disability under
36 subsection (7) of this section, shall be limited to fifteen thousand
37 dollars.

1 (~~(15)~~) (14) Any person who is responsible for the victim's
2 injuries, or who would otherwise be unjustly enriched as a result of
3 the victim's injuries, shall not be a beneficiary under this chapter.

4 (~~(16)~~) (15) Crime victims' compensation is not available to pay
5 for services covered under chapter 74.09 RCW or Title XIX of the
6 federal social security act, except to the extent that the costs for
7 such services exceed service limits established by the department of
8 social and health services or, during the 1993-95 fiscal biennium, to
9 the extent necessary to provide matching funds for federal medicaid
10 reimbursement.

11 (~~(17)~~) (16) In addition to other benefits provided under this
12 chapter, immediate family members of a homicide victim may receive
13 appropriate counseling to assist in dealing with the immediate, near-
14 term consequences of the related effects of the homicide. Fees for
15 counseling shall be determined by the department in accordance with RCW
16 51.04.030, subject to the limitations of RCW 7.68.080. Payment of
17 counseling benefits under this section may not be provided to the
18 perpetrator of the homicide. The benefits under this subsection may be
19 provided only with respect to homicides committed on or after July 1,
20 1992.

21 (~~(18)~~) (17) A dependent mother, father, stepmother, or
22 stepfather, as defined in RCW 51.08.050, who is a survivor of her or
23 his child's homicide, who has been requested by a law enforcement
24 agency or a prosecutor to assist in the judicial proceedings related to
25 the death of the victim, and who is not domiciled in Washington state
26 at the time of the request, may receive a lump-sum payment upon arrival
27 in this state. Total benefits under this subsection may not exceed
28 seven thousand five hundred dollars. If more than one dependent parent
29 is eligible for this benefit, the lump-sum payment of seven thousand
30 five hundred dollars shall be divided equally among the dependent
31 parents.

32 (~~(19)~~) (18) A victim whose crime occurred in another state who
33 qualifies for benefits under RCW 7.68.060(4) may receive appropriate
34 mental health counseling to address distress arising from participation
35 in the civil commitment proceedings. Fees for counseling shall be
36 determined by the department in accordance with RCW 51.04.030, subject
37 to the limitations of RCW 7.68.080.

1 (19) A victim is not eligible for benefits under this act if such
2 victim:

3 (a) Has been convicted of a felony offense within five years
4 preceding the criminal act for which they are applying where the felony
5 offense is a violent offense under RCW 9.94A.030 or a crime against
6 persons under RCW 9.94A.411, or is convicted of such a felony offense
7 after applying; and

8 (b) Has not completely satisfied all legal financial obligations
9 owed prior to applying for benefits.

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

12 (1) This section has no force or effect from the effective date of
13 this section until July 1, 2015.

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

- 19 ~~((1))~~ (a) Necessary for a previously accepted condition;
- 20 ~~((2))~~ (b) Necessary to protect the victim's life or prevent
21 deterioration of the victim's previously accepted condition; and
- 22 ~~((3))~~ (c) Not available from an alternative source.

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

28 The director shall, in cooperation with the department of social
29 and health services, establish by October 1, 1989, a process to aid
30 crime victims in identifying and applying for appropriate alternative
31 benefit programs, if any, administered by the department of social and
32 health services.

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

35 The crime victims' compensation account is created in the custody
36 of the state treasurer. Expenditures from the account may be used only

1 for the crime victims' compensation program under this chapter. Only
2 the director of the department or the director's designee may authorize
3 expenditures from the account. The account is subject to allotment
4 procedures under chapter 43.88 RCW, but an appropriation is not
5 required for expenditures.

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

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

13 (2)(a) The county legislative authority may establish an
14 antiprofitereering revolving fund to be administered by the county
15 prosecuting attorney under the conditions and for the purposes provided
16 by this subsection. Disbursements from the fund shall be on
17 authorization of the county prosecuting attorney. No appropriation is
18 required for disbursements.

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

30 (c) The county legislative authority may prescribe a maximum level
31 of moneys in the antiprofitereering revolving fund. Moneys exceeding the
32 prescribed maximum shall be transferred to the county current expense
33 fund.

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

1 (e) If a county has not established an antiprofitereering revolving
2 fund, any payments or forfeitures ordered to the county under this
3 chapter shall be deposited to the county current expense fund.

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

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

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

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

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

22 (iii) Twenty percent to the department to contribute to the cost of
23 incarceration; and

24 (iv) Twenty percent for payment of legal financial obligations for
25 all inmates who have legal financial obligations owing in any
26 Washington state superior court.

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

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

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

32 (iii) Fifteen percent to the department to contribute to the cost
33 of incarceration;

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

1 (v) Fifteen percent for any child support owed under a support
2 order.

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

5 (i) Five percent to the (~~state-general-fund~~) crime_victims'
6 compensation account provided in section 3 of this act;

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

8 (iii) Twenty percent to the department to contribute to the cost of
9 incarceration; and

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

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

15 (i) Five percent for the (~~state-general-fund~~) crime_victims'
16 compensation account provided in section 3 of this act; and

17 (ii) Fifteen percent for any child support owed under a support
18 order.

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

21 (i) Five percent to the department to contribute to the cost of
22 incarceration; and

23 (ii) Fifteen percent for any child support owed under a support
24 order.

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

29 (3)(a) The department personal inmate savings account, together
30 with any accrued interest, shall only be available to an inmate at the
31 following times:

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

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

35 (iii) When the secretary determines that an emergency exists for
36 the inmate.

37 (b) If funds are made available pursuant to (a)(ii) or (iii) of

1 this subsection, the funds shall be made available to the inmate in an
2 amount determined by the secretary.

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

8 (4)(a) Subject to availability of funds for the correctional
9 industries program, the expansion of inmate employment in class I and
10 class II correctional industries shall be implemented according to the
11 following schedule:

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

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

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

24 (iv) Not later than June 30, 2008, the secretary shall achieve a
25 net increase of at least nine 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 (v) Not later than June 30, 2009, the secretary shall achieve a net
29 increase of at least one thousand two hundred in the number of inmates
30 employed in class I or class II correctional industries work programs
31 above the number so employed on June 30, 2003;

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

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

1 (5) In the event that the offender worker's wages, gratuity, or
2 workers' compensation benefit is subject to garnishment for support
3 enforcement, the (~~state-general-fund~~) crime_victims'_compensation
4 account, savings, and cost of incarceration deductions shall be
5 calculated on the net wages after taxes, legal financial obligations,
6 and garnishment.

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

12 (7) The department shall develop the necessary administrative
13 structure to recover inmates' wages and keep records of the amount
14 inmates pay for the costs of incarceration and amenities. All funds
15 deducted from inmate wages under subsection (1) of this section for the
16 purpose of contributions to the cost of incarceration shall be
17 deposited in a dedicated fund with the department and shall be used
18 only for the purpose of enhancing and maintaining correctional
19 industries work programs.

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

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

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

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

31 (a) "Cost of incarceration" means the cost of providing an inmate
32 with shelter, food, clothing, transportation, supervision, and other
33 services and supplies as may be necessary for the maintenance and
34 support of the inmate while in the custody of the department, based on
35 the average per inmate costs established by the department and the
36 office of financial management.

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

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

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

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

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

15 (c) Twenty percent for payment of legal financial obligations for
16 all inmates who have legal financial obligations owing in any
17 Washington state superior court;

18 (d) Twenty percent for any child support owed under a support
19 order; and

20 (e) Twenty percent to the department to contribute to the cost of
21 incarceration.

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

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

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

35 (6)(a) The deductions required under subsection (2) of this section
36 shall not apply to funds received by the department from an offender or
37 from a third party on behalf of an offender for payment of education or

1 vocational programs or postsecondary education degree programs as
2 provided in RCW 72.09.460 and 72.09.465.

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

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

16 (8) When an inmate sentenced to life imprisonment without
17 possibility of release or sentenced to death under chapter 10.95 RCW
18 receives funds, deductions are required under subsection (2) of this
19 section, with the exception of a personal inmate savings account under
20 subsection (2)(b) of this section.

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

25 (10) The interest earned on an inmate savings account created as a
26 result of the plan in section 4, chapter 325, Laws of 1999 shall be
27 exempt from the mandatory deductions under this section and RCW
28 72.09.111.

29 (11) Nothing in this section shall limit the authority of the
30 department of social and health services division of child support, the
31 county clerk, or a restitution recipient from taking collection action
32 against an inmate's moneys, assets, or property pursuant to chapter
33 9.94A, 26.23, 74.20, or 74.20A RCW including, but not limited to, the
34 collection of moneys received by the inmate from settlements or awards
35 resulting from legal action.

36 NEW SECTION. **Sec. 7.** A new section is added to chapter 7.68 RCW
37 to read as follows:

1 (1) Within current funding levels, the department's crime victims'
2 compensation program shall post on its public web site a report that
3 shows the following items:

4 (a) The total amount of current funding available in the crime
5 victims' compensation fund;

6 (b) The total amount of funding disbursed to victims in the
7 previous thirty days; and

8 (c) The total amount paid in overhead and administrative costs in
9 the previous thirty days.

10 (2) The information listed in subsection (1) of this section must
11 be posted and maintained on the department's web site by July 1, 2010,
12 and updated every thirty days thereafter.

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

18 NEW SECTION. **Sec. 9.** Sections 1 and 2 of this act expire July 1,
19 2015.

Passed by the Senate March 11, 2010.

Passed by the House March 11, 2010.

Approved by the Governor March 18, 2010.

Filed in Office of Secretary of State March 18, 2010.