
Public Safety Committee

HB 1739

Brief Description: Concerning the crime victims' compensation program.

Sponsors: Representatives Gregerson, Goodman, Peterson, Orwall, Kilduff, Harris, Ryu, Ortiz-Self, Lovick, Sells, Stonier, Clibborn, Dolan, Sawyer, Stanford and Jinkins.

Brief Summary of Bill

- Requires payments to medical and health care providers under the Crime Victim Compensation Program (CVCP) to be no less than payments to providers for comparable services under the Workers' Compensation Program.
- Modifies the standards for Vehicular Assault and Vehicular Homicide victims to access CVCP benefits.
- Increases maximum burial cost benefits from \$5,750 to \$6,170, and requires the Department of Labor and Industries to adjust the amount for inflation every three years.
- Modifies eligibility criteria for accessing lost wage benefits from the CVCP.

Hearing Date: 2/6/17

Staff: Kelly Leonard (786-7147).

Background:

The Crime Victims' Compensation Program (CVCP), within the Department of Labor and Industries (L&I) provides benefits to innocent victims of criminal acts. Generally, persons injured by a criminal act in Washington, or their surviving spouses and dependents, are eligible to receive certain benefits under the CVCP. This includes, for example, medical treatment, mental health treatment, lost wage replacement, and burial costs. Benefits under the program are secondary to services available from any other public or private insurance, meaning the CVCP is the payer of last resort.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Individual victims are eligible for benefits if they sustain a bodily injury or severe emotional stress following a gross misdemeanor or felony crime and meet additional requirements. The crime must be verified by L&I.

Amount of Compensation to Providers. Providers must register with the CVCP to treat crime victims and receive payments. In consultation with interested persons, the CVCP establishes a fee schedule for payments to providers. The fee schedule changes based on the availability of funds. Currently, the CVCP fee schedule for providers is equal to 40 percent of payments for providers under the Workers' Compensation Program.

Vehicular Manslaughter and Homicide. The CVCP is not authorized to provide benefits to persons when the underlying criminal act involves the operation of a motor vehicle, motorcycle, train, boat, or aircraft in violation of law unless one of the following applies:

- the injury or death was intentionally inflicted;
- the operation was part of the commission of another non-vehicular criminal act;
- a preponderance of the evidence establishes that the death was the result of Vehicular Homicide; or
- a conviction of Vehicular Assault has been obtained.

The CVCP may, by a preponderance of the evidence, establish that a Vehicular Assault had been committed and authorize benefits if there is probable cause to determine that the perpetrator died in the incident, the perpetrator is unascertainable because he or she left the scene of the incident, or the perpetrator is incapable of standing trial as a result of a physical or mental infirmity or disability.

Counseling Services for Families of Homicide Victims. Immediate family members of a homicide victim are eligible to receive appropriate counseling to assist in dealing with the immediate, near-term consequences of the related effects of the homicide. The benefit is limited to 12 counseling sessions within one year after the crime victim's claim has been allowed.

Burial Costs. The CVCP is statutorily authorized to pay up to \$5,750 for the disposition of human remains or burial of a homicide victim. The CVCP must receive an itemized statement within 12 months of the date after the death is officially recognized as a homicide. If there is a delay in the recovery of remains or the release of remains for disposition or burial, an itemized statement must be received within 12 months of the date of the release of the remains.

Lost Wages. The CVCP pays for a portion of a victim's lost wages if a temporary or permanent total disability or death results from the crime. If the victim was not gainfully employed at the time of the criminal act, no financial support for lost wages will be paid to the victim or any beneficiaries. To be gainfully employed, the victim must have been engaging in a regular and continuous basis in a lawful activity from which a person derives a livelihood. If the victim is voluntarily retired and is no longer attached to the workforce, he or she is not eligible for lost wage benefits.

Summary of Bill:

Amount of Compensation to Providers. Payments to providers of medical and health care services under the CVCP may not be less than payments for comparable services under the Workers' Compensation Program.

Vehicular Manslaughter and Homicide. The eligibility requirements for benefits of victims of Vehicular Homicide and Vehicular Assault are modified. For victims of either Vehicular Assault or Vehicular Homicide, one of the following must apply:

- the victim submits a letter from the applicable prosecutor certifying there is probable cause to believe the crime was committed; or
- a criminal conviction for the offense has been obtained.

The exception is retained for Vehicular Assault eligibility when the perpetrator has died, is unascertainable, or is incapable to stand trial.

Counseling Services for Families of Homicide Victims. The one-year time limit for families of homicide victims to access counseling services is removed, thereby authorizing use of the 12 counseling sessions any time after the claim is allowed.

Burial Costs. The one-year time limit for accessing burial cost benefits is removed. The maximum benefit for burial costs is increased to \$6,170, and L&I is required to adjust the amount for inflation every three years based on the consumer price index.

Lost Wages. The lost wages benefit is modified. A victim may not access benefits if the victim was not employed for a total of 12 weeks in the six months preceding the crime.

Appropriation: None.

Fiscal Note: Requested on January 27, 2017.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.