

# FINAL BILL REPORT

## ESHB 1739

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Synopsis as Enacted

**Brief Description:** Concerning the crime victims' compensation program.

**Sponsors:** House Committee on Public Safety (originally sponsored by Representatives Gregerson, Goodman, Peterson, Orwall, Kilduff, Harris, Ryu, Ortiz-Self, Lovick, Sells, Stonier, Clibborn, Dolan, Sawyer, Stanford and Jinkins).

**House Committee on Public Safety**  
**House Committee on Appropriations**  
**Senate Committee on Law & Justice**  
**Senate Committee on Ways & Means**

### **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 are limited to an overall cap of \$190,000 for each claim, which includes a maximum of \$150,000 for medical benefits and a maximum of \$40,000 for nonmedical benefits. Benefits under the CVCP are secondary to services available from any other public or private insurance, meaning the CVCP is the payer of last resort.

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 the CVCP.

*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. The CVCP fee schedule for providers is equal to 40 percent of payments for providers under the Workers' Compensation Program.

*Vehicular Assault.* Most offenses do not require a criminal conviction in order for a victim to receive CVCP benefits. However, the CVCP is not authorized to provide benefits to victims

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of Vehicular Assault unless a conviction has been obtained, with some exceptions. The CVCP may, by a preponderance of the evidence, establish that a Vehicular Assault was 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 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 one year of the date 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. If the victim is voluntarily retired and is no longer attached to the workforce, he or she is not eligible for lost wage benefits.

The lost wage benefit is equal to 60 percent of the victim's monthly wage and is disbursed to the victim or beneficiary during the period of disability. However, monthly payments may not be less than \$500 or more than the state's average monthly wage.

### **Summary:**

*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. The CVCP must notify the Governor and the Legislature and request additional funding if the CVCP projects a deficit in funding. If sufficient funding is not provided, the CVCP must reduce payment levels. The CVCP may also reduce payments levels if a catastrophic event results in insufficient funding. Reductions may not result in payments of less than 70 percent of the payments for comparable services under the Workers' Compensation Program. Payment levels must be restored after sufficient funding is provided or otherwise available.

*Vehicular Assault.* Vehicular Assault victims may access CVCP benefits if:

- the victim submits a copy of the certificate of probable cause filed by the prosecutor stating that there is probable cause to believe the offense occurred; or
- criminal charges have been filed.

*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. Claimants must submit itemized statements from a provider of burial services within two years of the date of the release of the remains or of the date of the claim allowance, whichever is later. The maximum benefit for burial costs is increased to \$6,170, and the 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 expanded. A victim may access benefits if the victim was employed at least 12 weeks in the six months preceding the crime, regardless if he or she was employed at the time of the criminal act.

**Votes on Final Passage:**

House	96	2
Senate	49	0

**Effective:** July 23, 2017