
SENATE BILL 6200

State of Washington

66th Legislature

2020 Regular Session

By Senators Braun and Rolfes

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1 AN ACT Relating to crime victims' compensation; and amending RCW
2 7.68.060 and 7.68.070.

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

4 **Sec. 1.** RCW 7.68.060 and 2011 c 346 s 301 are each amended to
5 read as follows:

6 (1) Except for applications received pursuant to subsection (6)
7 of this section, no compensation of any kind shall be available under
8 this chapter if:

9 (a) An application for benefits is not received by the department
10 within (~~two~~) three years after the date the criminal act was
11 reported to a local police department or sheriff's office or the date
12 the rights of beneficiaries accrued, unless the director has
13 determined that "good cause" exists to expand the time permitted to
14 receive the application. "Good cause" shall be determined by the
15 department on a case-by-case basis and may extend the period of time
16 in which an application can be received for up to five years after
17 the date the criminal act was reported to a local police department
18 or sheriff's office or the date the rights of beneficiaries accrued;
19 or

20 (b) The criminal act is not reported by the victim or someone on
21 his or her behalf to a local police department or sheriff's office

1 within twelve months of its occurrence or, if it could not reasonably
2 have been reported within that period, within twelve months of the
3 time when a report could reasonably have been made. In making
4 determinations as to reasonable time limits, the department shall
5 give greatest weight to the needs of the victims.

6 (2) No person or spouse, child, or dependent of such person is
7 eligible for benefits under this chapter when the injury for which
8 benefits are sought(~~(7)~~) was:

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

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

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

22 (3) No person or spouse, child, or dependent of such person is
23 eligible for benefits under this chapter where the person making a
24 claim for such benefits has refused to give reasonable cooperation to
25 state or local law enforcement agencies in their efforts to apprehend
26 and convict the perpetrator of the criminal act which gave rise to
27 the claim.

28 (4) A victim is not eligible for benefits under this chapter if
29 (~~he or she~~) the victim:

30 (a) Has been convicted of a felony offense within five years
31 preceding the criminal act for which (~~they are~~) the victim is
32 applying where the felony offense is a violent offense under RCW
33 9.94A.030 or a crime against persons under RCW 9.94A.411, or is
34 convicted of such a felony offense after the criminal act for which
35 (~~they are~~) the victim is applying; and

36 (b) Has not completely satisfied all legal financial obligations
37 owed.

38 (5) Because victims of childhood criminal acts may repress
39 conscious memory of such criminal acts far beyond the age of
40 eighteen, the rights of adult victims of childhood criminal acts

1 shall accrue at the time the victim discovers or reasonably should
2 have discovered the elements of the crime. In making determinations
3 as to reasonable time limits, the department shall give greatest
4 weight to the needs of the victim.

5 (6) (a) Benefits under this chapter are available to any victim of
6 a person against whom the state initiates proceedings under chapter
7 71.09 RCW. The right created under this subsection shall accrue when
8 the victim is notified of proceedings under chapter 71.09 RCW or the
9 victim is interviewed, deposed, or testifies as a witness in
10 connection with the proceedings. An application for benefits under
11 this subsection must be received by the department within two years
12 after the date the victim's right accrued unless the director
13 determines that good cause exists to expand the time to receive the
14 application. The director shall determine "good cause" on a case-by-
15 case basis and may extend the period of time in which an application
16 can be received for up to five years after the date the right of the
17 victim accrued. Benefits under this subsection shall be limited to
18 compensation for costs or losses incurred on or after the date the
19 victim's right accrues for a claim allowed under this subsection.

20 (b) A person identified as the "minor" in the charge of
21 commercial sexual abuse of a minor under RCW 9.68A.100, promoting
22 commercial sexual abuse of a minor under RCW 9.68A.101, or promoting
23 travel for commercial sexual abuse of a minor under RCW 9.68A.102 is
24 considered a victim of a criminal act for the purpose of the right to
25 benefits under this chapter even if the person is also charged with
26 prostitution under RCW 9A.88.030.

27 **Sec. 2.** RCW 7.68.070 and 2017 c 235 s 5 are each amended to read
28 as follows:

29 The eligibility for benefits under this chapter and the amount
30 thereof will be governed insofar as is applicable by the provisions
31 contained in this chapter.

32 (1) Each victim injured as a result of a criminal act, including
33 criminal acts committed between July 1, 1981, and January 1, 1983, or
34 the victim's family or beneficiary in case of death of the victim,
35 (~~are~~) is eligible for benefits in accordance with this chapter,
36 subject to the limitations under RCW 7.68.015. Except for medical
37 benefits authorized under RCW 7.68.080, no more than forty thousand
38 dollars shall be granted as a result of a single injury or death.

1 (a) Benefits payable for temporary total disability that results
2 in financial support for lost wages shall not exceed fifteen thousand
3 dollars.

4 (b) Benefits payable for a permanent total disability or fatality
5 that results in financial support for lost wages shall not exceed
6 forty thousand dollars. After at least twelve monthly payments have
7 been paid, the department shall have the sole discretion to make a
8 final lump sum payment of the balance remaining.

9 (2) If the victim is a minor, the victim may receive financial
10 support for the cost of care if the minor victim's injuries result in
11 a legal custodian or guardian's lost wages to care for the minor
12 victim. Benefits paid for a legal custodian or guardian's lost wages
13 are subject to the limitations in this section.

14 (3) If the victim was not gainfully employed at the time of the
15 criminal act, no financial support for lost wages will be paid to the
16 victim or any beneficiaries, unless the victim was gainfully employed
17 for a total of at least twelve weeks in the six months preceding the
18 date of the criminal act.

19 ((+3)) (4) No victim or beneficiary shall receive compensation
20 for or during the day on which the injury was received.

21 ((+4)) (5) If a victim's employer continues to pay the victim's
22 wages that ((he or she)) the victim was earning at the time of the
23 crime, the victim shall not receive any financial support for lost
24 wages.

25 ((+5)) (6) When the director determines that a temporary total
26 disability results in a loss of wages, the victim shall receive
27 monthly subject to subsection (1) of this section, during the period
28 of disability, sixty percent of the victim's monthly wage, but no
29 more than one hundred percent of the state's average monthly wage as
30 defined in RCW 7.68.020. The minimum monthly payment shall be no less
31 than five hundred dollars. Monthly wages shall be based upon employer
32 wage statements, employment security records, or documents reported
33 to, and certified by, the internal revenue service. Monthly wages
34 must be determined using the actual documented monthly wage or
35 averaging the total wages earned for up to twelve successive calendar
36 months preceding the injury. In cases where the victim's wages and
37 hours are fixed, they shall be determined by multiplying the daily
38 wage the victim was receiving at the time of the injury:

39 (a) By five, if the victim was normally employed one day a week;

40 (b) By nine, if the victim was normally employed two days a week;

1 (c) By thirteen, if the victim was normally employed three days a
2 week;

3 (d) By eighteen, if the victim was normally employed four days a
4 week;

5 (e) By twenty-two, if the victim was normally employed five days
6 a week;

7 (f) By twenty-six, if the victim was normally employed six days a
8 week; or

9 (g) By thirty, if the victim was normally employed seven days a
10 week.

11 ~~((6))~~ (7) When the director determines that a permanent total
12 disability or death results in a loss of wages, the victim or
13 eligible spouse shall receive the monthly payments established in
14 this subsection, not to exceed forty thousand dollars or the limits
15 established in this chapter.

16 ~~((7))~~ (8) If the director determines that the victim is
17 voluntarily retired and is no longer attached to the workforce,
18 benefits shall not be paid under this section.

19 ~~((8))~~ (9) In the case of death, if there is no eligible spouse,
20 benefits shall be paid to the child or children of the deceased
21 victim. If there is no spouse or children, no payments shall be made
22 under this section. If the spouse remarries before this benefit is
23 paid in full, benefits shall be paid to the victim's child or
24 children and the spouse shall not receive further payment. If there
25 is no child or children, no further payments will be made.

26 ~~((9))~~ (10) The benefits for disposition of remains or burial
27 expenses shall not exceed six thousand one hundred seventy dollars
28 per claim. Beginning July 1, 2020, the department shall adjust the
29 amount in this subsection ~~((9))~~ for inflation every three years
30 based upon changes in the consumer price index during that time
31 period. To receive reimbursement for expenses related to the
32 disposition of remains or burial, the department must receive an
33 itemized statement from a provider of services within twenty-four
34 months of the date of the claim allowance. If there is a delay in the
35 recovery of remains or the release of remains for disposition or
36 burial, an itemized statement from a provider of services must be
37 received within twenty-four months of the date of the release of the
38 remains or of the date of the claim allowance, whichever is later.

1 (~~(10)~~) (11) 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 (~~(11)~~) (12) 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.

7 (~~(12)~~) (13) A victim whose crime occurred in another state who
8 qualifies for benefits under RCW 7.68.060(6) may receive appropriate
9 mental health counseling to address distress arising from
10 participation in the civil commitment proceedings. Fees for
11 counseling shall be determined by the department in accordance with
12 RCW 51.04.030, subject to the limitations of RCW 7.68.080.

13 (~~(13)~~) (14) If the provisions of this title relative to
14 compensation for injuries to or death of victims become invalid
15 because of any adjudication, or are repealed, the period intervening
16 between the occurrence of an injury or death, not previously
17 compensated for under this title by lump payment or completed monthly
18 payments, and such repeal or the rendition of the final adjudication
19 of invalidity shall not be computed as a part of the time limited by
20 law for the commencement of any action relating to such injury or
21 death.

22 (~~(14)~~) (15) The benefits established in RCW 51.32.080 for
23 permanent partial disability will not be provided to any crime victim
24 or for any claim submitted on or after July 1, 2011.

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