

CERTIFICATION OF ENROLLMENT

SECOND SUBSTITUTE SENATE BILL 6181

Chapter 308, Laws of 2020

66th Legislature
2020 Regular Session

CRIME VICTIMS' COMPENSATION PROGRAM--VARIOUS PROVISIONS

EFFECTIVE DATE: June 11, 2020

Passed by the Senate February 14,
2020

Yeas 47 Nays 0

CYRUS HABIB

President of the Senate

Passed by the House March 5, 2020

Yeas 97 Nays 0

Laurie Jinkins

**Speaker of the House of
Representatives**

Approved April 2, 2020 2:55 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 6181** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

April 3, 2020

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 6181

Passed Legislature - 2020 Regular Session

State of Washington

66th Legislature

2020 Regular Session

By Senate Ways & Means (originally sponsored by Senators Padden, Pedersen, O'Ban, Warnick, and Kuderer)

READ FIRST TIME 02/10/20.

1 AN ACT Relating to crime victims' compensation; and amending RCW
2 7.68.060, 7.68.061, 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 7.68.061 and 2011 c 346 s 305 are each amended to
28 read as follows:

29 If injury or death results to a victim from the deliberate
30 intention of the victim himself or herself to produce such injury or
31 death, or while the victim is engaged in the attempt to commit, or
32 the commission of, a felony, neither the victim nor the widow,
33 widower, child, or dependent of the victim shall receive any payment
34 under this chapter.

35 If injury or death results to a victim from the deliberate
36 intention of a beneficiary of that victim to produce the injury or
37 death, or if injury or death results to a victim as a consequence of
38 a beneficiary of that victim engaging in the attempt to commit, or

1 the commission of, a felony, the beneficiary shall not receive any
2 payment under this chapter.

3 If injury or death results to a minor victim from the deliberate
4 intention of a legal guardian or custodian of the minor victim to
5 produce the injury or death, or if injury or death results to a minor
6 victim as a consequence of a legal guardian or custodian of the minor
7 victim engaging in an attempt to commit, or the commission of, a
8 felony, the legal guardian or custodian shall not receive any payment
9 under this chapter.

10 An invalid child, while being supported and cared for in a state
11 institution, shall not receive compensation under this chapter.

12 No payment shall be made to or for a natural child of a deceased
13 victim and, at the same time, as the stepchild of a deceased victim.

14 **Sec. 3.** RCW 7.68.070 and 2017 c 235 s 5 are each amended to read
15 as follows:

16 The eligibility for benefits under this chapter and the amount
17 thereof will be governed insofar as is applicable by the provisions
18 contained in this chapter.

19 (1) Each victim injured as a result of a criminal act, including
20 criminal acts committed between July 1, 1981, and January 1, 1983, or
21 the victim's family or beneficiary in case of death of the victim,
22 are eligible for benefits in accordance with this chapter, subject to
23 the limitations under RCW 7.68.015. Except for medical benefits
24 authorized under RCW 7.68.080, no more than forty thousand dollars
25 shall be granted as a result of a single injury or death.

26 (a) Benefits payable for temporary total disability that results
27 in financial support for lost wages shall not exceed fifteen thousand
28 dollars.

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

34 (2) If the victim was not gainfully employed at the time of the
35 criminal act, no financial support for lost wages will be paid to the
36 victim or any beneficiaries, unless the victim was gainfully employed
37 for a total of at least twelve weeks in the six months preceding the
38 date of the criminal act.

1 (3) No victim or beneficiary shall receive compensation for or
2 during the day on which the injury was received.

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

6 (5) When the director determines that a temporary total
7 disability results in a loss of wages, the victim shall receive
8 monthly subject to subsection (1) of this section, during the period
9 of disability, sixty percent of the victim's monthly wage but no more
10 than one hundred percent of the state's average monthly wage as
11 defined in RCW 7.68.020. The minimum monthly payment shall be no less
12 than five hundred dollars. Monthly wages shall be based upon employer
13 wage statements, employment security records, or documents reported
14 to and certified by the internal revenue service. Monthly wages must
15 be determined using the actual documented monthly wage or averaging
16 the total wages earned for up to twelve successive calendar months
17 preceding the injury. In cases where the victim's wages and hours are
18 fixed, they shall be determined by multiplying the daily wage the
19 victim was receiving at the time of the injury:

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

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

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

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

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

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

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

32 (6) When the director determines that a permanent total
33 disability or death results in a loss of wages, the victim or
34 eligible spouse shall receive the monthly payments established in
35 this subsection, not to exceed forty thousand dollars or the limits
36 established in this chapter.

37 (7)(a) The legal guardian or custodian of a minor victim shall
38 receive up to thirty days of the legal guardian's or custodian's lost
39 wages if the director determines that the legal guardian or custodian
40 has lost wages due to any one or more of the following:

1 (i) The time where the legal guardian or custodian of a minor
2 victim accompanies the minor victim to medical or counseling services
3 related to the crime; or

4 (ii) The time where the legal guardian or custodian of a minor
5 victim accompanies the minor victim to criminal justice proceedings
6 related to the crime.

7 (b) Wages under this subsection shall be based on employer wage
8 statements, employment security records, or documents reported to and
9 certified by the internal revenue service.

10 (8) If the director determines that the victim is voluntarily
11 retired and is no longer attached to the workforce, benefits shall
12 not be paid under this section.

13 ~~((+8))~~ (9) In the case of death, if there is no eligible spouse,
14 benefits shall be paid to the child or children of the deceased
15 victim. If there is no spouse or children, no payments shall be made
16 under this section. If the spouse remarries before this benefit is
17 paid in full benefits shall be paid to the victim's child or children
18 and the spouse shall not receive further payment. If there is no
19 child or children no further payments will be made.

20 ~~((+9))~~ (10) The benefits for disposition of remains or burial
21 expenses shall not exceed six thousand one hundred seventy dollars
22 per claim. Beginning July 1, 2020, the department shall adjust the
23 amount in this subsection ~~((+9))~~ (10) for inflation every three
24 years based upon changes in the consumer price index during that time
25 period. To receive reimbursement for expenses related to the
26 disposition of remains or burial, the department must receive an
27 itemized statement from a provider of services within twenty-four
28 months of the date of the claim allowance. If there is a delay in the
29 recovery of remains or the release of remains for disposition or
30 burial, an itemized statement from a provider of services must be
31 received within twenty-four months of the date of the release of the
32 remains or of the date of the claim allowance, whichever is later.

33 ~~((+10))~~ (11) Any person who is responsible for the victim's
34 injuries, or who would otherwise be unjustly enriched as a result of
35 the victim's injuries, shall not be a beneficiary under this chapter.

36 ~~((+11))~~ (12) Crime victims' compensation is not available to pay
37 for services covered under chapter 74.09 RCW or Title XIX of the
38 federal social security act.

39 ~~((+12))~~ (13) A victim whose crime occurred in another state who
40 qualifies for benefits under RCW 7.68.060(6) may receive appropriate

1 mental health counseling to address distress arising from
2 participation in the civil commitment proceedings. Fees for
3 counseling shall be determined by the department in accordance with
4 RCW 51.04.030, subject to the limitations of RCW 7.68.080.

5 ~~((13))~~ (14) If the provisions of this title relative to
6 compensation for injuries to or death of victims become invalid
7 because of any adjudication, or are repealed, the period intervening
8 between the occurrence of an injury or death, not previously
9 compensated for under this title by lump payment or completed monthly
10 payments, and such repeal or the rendition of the final adjudication
11 of invalidity shall not be computed as a part of the time limited by
12 law for the commencement of any action relating to such injury or
13 death.

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

Passed by the Senate February 14, 2020.
Passed by the House March 5, 2020.
Approved by the Governor April 2, 2020.
Filed in Office of Secretary of State April 3, 2020.

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