
SENATE BILL 5245

State of Washington

67th Legislature

2021 Regular Session

By Senators Brown, Wilson, L., Rolfes, and Wagoner

Read first time 01/15/21. Referred to Committee on Human Services, Reentry & Rehabilitation.

1 AN ACT Relating to the safety of crime victims; and amending RCW
2 72.09.712 and 7.68.070.

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

4 **Sec. 1.** RCW 72.09.712 and 2019 c 46 s 5043 are each amended to
5 read as follows:

6 (1) At the earliest possible date, and in no event later than
7 thirty days before release except in the event of escape or emergency
8 furloughs as defined in RCW 72.66.010, the department of corrections
9 shall send written notice of parole, release, community custody, work
10 release placement, furlough, or escape about a specific inmate
11 convicted of a violent offense, a sex offense as defined by RCW
12 9.94A.030, a domestic violence court order violation pursuant to RCW
13 10.99.040, 10.99.050, 26.09.300, (~~26.10.220,~~) 26.26B.050,
14 26.50.110, 26.52.070, or 74.34.145, (~~or~~) a felony harassment
15 offense as defined by RCW 9A.46.060 or 9A.46.110, a domestic violence
16 offense as defined by RCW 10.99.020, an assault in the third degree
17 offense as defined by RCW 9A.36.031, an unlawful imprisonment offense
18 as defined by RCW 9A.40.040, a vehicular homicide by disregard for
19 the safety of others offense as defined by RCW 46.61.520, or a
20 controlled substances homicide offense as defined by RCW 69.50.415,
21 to the following:

1 (a) The chief of police of the city, if any, in which the inmate
2 will reside or in which placement will be made in a work release
3 program; and

4 (b) The sheriff of the county in which the inmate will reside or
5 in which placement will be made in a work release program.

6 The sheriff of the county where the offender was convicted shall
7 be notified if the department does not know where the offender will
8 reside. The department shall notify the state patrol of the release
9 of all sex offenders, and that information shall be placed in the
10 Washington crime information center for dissemination to all law
11 enforcement.

12 (2) The same notice as required by subsection (1) of this section
13 shall be sent to the following if such notice has been requested in
14 writing about a specific inmate convicted of a violent offense, a sex
15 offense as defined by RCW 9.94A.030, a domestic violence court order
16 violation pursuant to RCW 10.99.040, 10.99.050, 26.09.300,
17 (~~26.10.220,~~) 26.26B.050, 26.50.110, 26.52.070, or 74.34.145, (~~or~~)
18 a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110,
19 a domestic violence offense as defined by RCW 10.99.020, an assault
20 in the third degree offense as defined by RCW 9A.36.031, an unlawful
21 imprisonment offense as defined by RCW 9A.40.040, a vehicular
22 homicide by disregard for the safety of others offense as defined by
23 RCW 46.61.520, or a controlled substances homicide offense as defined
24 by RCW 69.50.415:

25 (a) The victim of the crime for which the inmate was convicted or
26 the victim's next of kin if the crime was a homicide;

27 (b) Any witnesses who testified against the inmate in any court
28 proceedings involving the violent offense;

29 (c) Any person specified in writing by the prosecuting attorney;
30 and

31 (d) Any person who requests such notice about a specific inmate
32 convicted of a sex offense as defined by RCW 9.94A.030 from the
33 department of corrections at least sixty days prior to the expected
34 release date of the offender.

35 Information regarding victims, next of kin, or witnesses
36 requesting the notice, information regarding any other person
37 specified in writing by the prosecuting attorney to receive the
38 notice, and the notice are confidential and shall not be available to
39 the inmate. Whenever the department of corrections mails notice
40 pursuant to this subsection and the notice is returned as

1 undeliverable, the department shall attempt alternative methods of
2 notification, including a telephone call to the person's last known
3 telephone number.

4 (3) The existence of the notice requirements contained in
5 subsections (1) and (2) of this section shall not require an
6 extension of the release date in the event that the release plan
7 changes after notification.

8 (4) If an inmate convicted of a violent offense, a sex offense as
9 defined by RCW 9.94A.030, a domestic violence court order violation
10 pursuant to RCW 10.99.040, 10.99.050, 26.09.300, (~~(26.10.220,)~~)
11 26.26B.050, 26.50.110, 26.52.070, or 74.34.145, (~~(or)~~) a felony
12 harassment offense as defined by RCW 9A.46.060 or 9A.46.110, a
13 domestic violence offense as defined by RCW 10.99.020, an assault in
14 the third degree offense as defined by RCW 9A.36.031, an unlawful
15 imprisonment offense as defined by RCW 9A.40.040, a vehicular
16 homicide by disregard for the safety of others offense as defined by
17 RCW 46.61.520, or a controlled substances homicide offense as defined
18 by RCW 69.50.415, escapes from a correctional facility, the
19 department of corrections shall immediately notify, by the most
20 reasonable and expedient means available, the chief of police of the
21 city and the sheriff of the county in which the inmate resided
22 immediately before the inmate's arrest and conviction. If previously
23 requested, the department shall also notify the witnesses and the
24 victim of the crime for which the inmate was convicted or the
25 victim's next of kin if the crime was a homicide. If the inmate is
26 recaptured, the department shall send notice to the persons
27 designated in this subsection as soon as possible but in no event
28 later than two working days after the department learns of such
29 recapture.

30 (5) If the victim, the victim's next of kin, or any witness is
31 under the age of sixteen, the notice required by this section shall
32 be sent to the parents or legal guardian of the child.

33 (6) The department of corrections shall send the notices required
34 by this chapter to the last address provided to the department by the
35 requesting party. The requesting party shall furnish the department
36 with a current address.

37 (7) The department of corrections shall keep, for a minimum of
38 two years following the release of an inmate, the following:

39 (a) A document signed by an individual as proof that that person
40 is registered in the victim or witness notification program; and

1 (b) A receipt showing that an individual registered in the victim
2 or witness notification program was mailed a notice, at the
3 individual's last known address, upon the release or movement of an
4 inmate.

5 (8) For purposes of this section the following terms have the
6 following meanings:

7 (a) "Violent offense" means a violent offense under RCW
8 9.94A.030;

9 (b) "Next of kin" means a person's spouse, state registered
10 domestic partner, parents, siblings and children.

11 (9) Nothing in this section shall impose any liability upon a
12 chief of police of a city or sheriff of a county for failing to
13 request in writing a notice as provided in subsection (1) of this
14 section.

15 **Sec. 2.** RCW 7.68.070 and 2020 c 308 s 3 are each amended to read
16 as follows:

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

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

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

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

35 (2) If the victim was not gainfully employed at the time of the
36 criminal act, no financial support for lost wages will be paid to the
37 victim or any beneficiaries, unless the victim was gainfully employed
38 for a total of at least twelve weeks in the six months preceding the
39 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 (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 (10) The benefits for disposition of remains or burial expenses
21 shall not exceed six thousand one hundred seventy dollars per claim.
22 Beginning July 1, 2020, the department shall adjust the amount in
23 this subsection (10) for inflation every three years based upon
24 changes in the consumer price index during that time period. To
25 receive reimbursement for expenses related to the disposition of
26 remains or burial, the department must receive an itemized statement
27 from a provider of services within twenty-four months of the date of
28 the claim allowance. If there is a delay in the recovery of remains
29 or the release of remains for disposition or burial, an itemized
30 statement from a provider of services must be received within twenty-
31 four months of the date of the release of the remains or of the date
32 of the claim allowance, whichever is later.

33 (11) A victim of a violent or serious violent offense as defined
34 in RCW 9.94A.030 is eligible to receive reimbursement for private
35 security services to attend court proceedings when the victim attests
36 the alleged offender poses a substantial risk to their personal
37 safety or the safety of their child, the offender is subject to a
38 protection order, and the victim is at or below 80 percent of area
39 median income.

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

4 (~~(12)~~) (13) 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 (~~(13)~~) (14) 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 (~~(14)~~) (15) 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 (~~(15)~~) (16) 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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