

# SENATE BILL REPORT

## SB 5070

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As Passed Senate, February 27, 2023

**Title:** An act relating to victims of nonfatal strangulation.

**Brief Description:** Concerning victims of nonfatal strangulation.

**Sponsors:** Senators Nobles, Dhingra, Frame, Hasegawa, Nguyen and Wilson, C..

**Brief History:**

**Committee Activity:** Human Services: 1/19/23, 1/26/23 [DP-WM].

Ways & Means: 2/07/23, 2/14/23 [DP].

**Floor Activity:** Passed Senate: 2/27/23, 48-0.

**Brief Summary of Bill**

- Strikes the June 30, 2023 expiration date for the Crime Victim's Compensation Program coverage of forensic exams of nonfatal strangulation for victims of domestic violence.
- Removes the 2022 report to the Legislature.
- Provides an effective date of June 30, 2023.

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### SENATE COMMITTEE ON HUMAN SERVICES

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Wilson, C., Chair; Kauffman, Vice Chair; Boehnke, Ranking Member; Frame, Nguyen, Warnick and Wilson, J..

**Staff:** Alison Mendiola (786-7488)

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### SENATE COMMITTEE ON WAYS & MEANS

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

**Majority Report:** Do pass.

Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Mullet, Vice Chair, Capital; Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Rivers, Assistant Ranking Member, Capital; Warnick, Assistant Ranking Member, Capital; Billig, Boehnke, Braun, Conway, Dhingra, Hasegawa, Hunt, Keiser, Muzzall, Nguyen, Pedersen, Saldaña, Torres, Wagoner and Wellman.

**Staff:** Tianyi Lan (786-7432)

**Background:** Non-Fatal Strangulation. Strangulation involves external compression of a victim's airway and blood vessels, causing reduced air and blood flow to the brain. Victims may show no or minimal external signs of injury despite having life-threatening internal injuries including traumatic brain injury. Injuries may present after the assault or much later and may persist for months and even years post-assault. Victims who are strangled multiple times face a greater risk of traumatic brain injury. Traumatic brain injury symptoms are often not recognized as assault-related and may include cognitive difficulties such as decreased ability to concentrate, make decisions, and solve problems. Traumatic brain injury symptoms may also include behavior and personality changes such as irritability, impulsivity, and mood swings.

Strangulation or suffocation are often associated with sexual assault and domestic violence and are second-degree assaults and Class B felonies. Class B felonies carry a maximum sentence of ten years in prison, a \$20,000 fine, or both.

Crime Victims Compensation Program. The Crime Victims Compensation Program was created to help victims with the many costs associated with violent crime. The program provides financial compensation to crime victims for such expenses as medical bills, loss of financial support, and funeral expenses. The fund may assist those who:

- have a bodily injury or severe emotional stress from a crime, and that crime is a gross misdemeanor or felony;
- filed a report with law enforcement within one year of the date the crime occurred, or within one year of when it reasonably could have been reported;
- provide reasonable cooperation with law enforcement including helping to investigate and prosecute the offender; or
- apply for benefits within two years of the crime being reported to law enforcement or, for good cause, within five years.

Crime victims compensation may cover medical or dental benefits or both, lost wages, medication coverage, mental health treatment, grief counseling and funeral expenses. To qualify for benefits a person must have:

- sustained a physical injury or mental health trauma as a result of a gross misdemeanor or felony crime in Washington State;
- reported the crime to law enforcement and cooperated with the investigation;

- filed a report with law enforcement within one year from the date of crime, or within one year from when it reasonably could have been reported;
- submit a timely application;
- submit an application for benefits within two years of the crime being reported to law enforcement or, up to five years from the police report in certain circumstances; and
- for minors, at the time of the crime, the application must be filed within two years of their 18th birthday.

The program covers costs of a forensic nurse examination related to nonfatal strangulation when it is part of a sexual assault, act of domestic violence, or if a victim applies for program benefits. The victim is not billed or charged directly or indirectly for the exam, as the exam is covered by the Crime Victims Compensation Program. In 2021, the Legislature passed 2SSB 5183 which added forensic exams for victims of domestic violence involving nonfatal strangulation. This expansion is set to expire on June 30, 2023. The Department of Labor and Industries (L&I) was directed to report to the Legislature information regarding claims for forensic exams by victims of domestic violence involving nonfatal strangulation no later than October 1, 2022.

Nonfatal Strangulations in Washington State Report to the Legislature. According to the L&I's report to the Legislature, in fiscal year 2022, 77 claims were received of which 64 were paid for nonfatal strangulations forensic exams related to domestic violence for a total of \$74,000.

**Summary of Bill:** The June 30, 2023 expiration date for the Crime Victim's Compensation Program coverage of forensic exams for nonfatal strangulation of victims of domestic violence is struck.

Language directing L&I to provide a report to the Legislature in 2022 is struck.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill contains an emergency clause and takes effect on June 30, 2023.

**Staff Summary of Public Testimony (Human Services):** PRO: This bill makes a pilot permanent, making a positive impact in the community. Victims of nonfatal strangulation can have long-term invisible injuries which require a forensic exam to identify. Domestic violence offenders are the most dangerous and hardest to prosecute as the crimes happen behind closed doors. Forensic exams can identify injuries, at no cost to victims. This first 72 hours after a nonfatal strangulation are a whirlwind, going to the emergency room is the last place a person wants to go. Support teams can help coordinate transportation and call the

hospital in advance. This victim-centered approach is a culture shift from a criminal response to a public health response and leads the nation.

**Persons Testifying (Human Services):** PRO: Senator T'wina Nobles, Prime Sponsor; Nadia Van Atter, Crystal Judson Family Justice Center; Coreen Schnepf, Pierce County Prosecutor's Office; Nadia Van Atter, Pierce County Family Justice Center; David Martin, KCPAO; Tonya Braun, KCPAO.

**Persons Signed In To Testify But Not Testifying (Human Services):** No one.

**Staff Summary of Public Testimony (Ways & Means):** PRO: This bill will maintain existing legislation that has been critical for victims of strangulation and domestic violence in Washington State.

**Persons Testifying (Ways & Means):** PRO: David Martin, KCPAO.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.