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**Public Safety & Emergency Preparedness  
Committee**

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**HB 1108**

**Brief Description:** Changing the definition of criminal act for crime victims compensation purposes.

**Sponsors:** Representatives Williams and Moeller.

**Brief Summary of Bill**

- Amends the definition of "criminal act" for purposes of Crime Victims Compensation benefits.
- Eliminates the requirement that an offender has to be convicted in a vehicular assault case before a victim is eligible for Crime Victims Compensation benefits.

**Hearing Date:** 1/21/09

**Staff:** Yvonne Walker (786-7841)

**Background:**

The Washington Crime Victims' Compensation Program (Program) administered by 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 benefits (medical treatment and lost wages) under the Program provided that:

- the criminal act for which compensation is being sought is punishable as a gross misdemeanor or felony;
- the crime was reported to law enforcement within one year of its occurrence or within one year from the time a report could reasonably have been made; and
- the application for crime victims' benefits is made within two years after the crime was reported to law enforcement or the rights of the beneficiaries or dependents accrued.

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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 a part of the legislation nor does it constitute a statement of legislative intent.*

Criminal act is defined as: (1) an act committed or attempted in Washington, which is punishable as a felony or gross misdemeanor under the laws of Washington; (2) an act committed outside of Washington against a resident of Washington which would be compensable had it occurred inside the state, and the crime occurred in a state which does not have a Program; or (3) an act of terrorism. Statutory language limits the types of claims that the L&I may pay for vehicular accidents. Under the Victims of Crimes-Compensation and Assistance Act, the L&I may only pay vehicular claims when:

- the injury or death was intentionally inflicted;
- if the accident occurred during the commission of another non-vehicular criminal act;
- if the driver was impaired by alcohol or drugs;
- the injury or death occurred as a result of a driver who committed the offense of failing to secure a load in the first degree;
- the injury or death occurred and the evidences establishes that the death was the result of vehicular homicide; or
- the injury or death was the result of vehicular assault and a conviction of the vehicular assault offense was obtained.

A victim suffering from the result of a vehicular assault offense would not be eligible for Crime Victims Compensation benefits unless an offender was convicted of the crime. This is the only offense under the Program where the conviction of an offender has occur before a victim becomes eligible for crime victims compensation payments.

The Program is the payer of last resort for medical expenses and lost wages.

**Summary of Bill:**

The definition of criminal act in the Victims of Crimes-Compensation and Assistance Act is amended to delete the requirement that a criminal conviction of an offender has occur before a victim of vehicular assault can become eligible for benefits under the Program. As a result, all persons injured by a driver committing a vehicular assault offense are eligible for Crime Victims Compensation benefits.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.