

SENATE BILL REPORT

SB 6504

As of January 22, 2010

Title: An act relating to reducing crime victims' compensation benefits and eligibility.

Brief Description: Reducing crime victims' compensation benefits and eligibility.

Sponsors: Senator Hargrove; by request of Department of Labor & Industries.

Brief History:

Committee Activity: Human Services & Corrections: 1/21/10.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Kevin Black (786-7747)

Background: The Department of Labor and Industries (L&I) administers a crime victims' compensation program which provides compensation for certain victims of crime or survivors of victims of crime, funded by a combination of state appropriations and federal grants. Compensation is not available to a victim unless the victim applies for compensation within two years after the date of the criminal act, and reports the criminal act to the police or sheriff within one year of its occurrence.

In case of the death of the victim, the program provides burial expenses and a monthly income to the surviving spouse for life or until remarriage, based on a percentage of the victim's monthly income, provided that the income does not exceed 120 percent of the average monthly wage in the state. Total compensation can reach a cap of \$190,000 per victim, including up to \$150,000 in medical benefits and \$40,000 for time loss, disability and pension. The surviving spouse of a victim who was not employed at the time of death receives burial expenses and a lump sum payment of \$7,500 to be divided with any surviving children. In the event of permanent disability, the victim receives a compensation amount based on the nature of the injury, plus an amount based on a percentage of the victim's wages up to 120 percent of the average monthly wage, or if not gainfully employed a percentage of the average monthly wage, during the period of disability. The benefits a victim may receive for a permanent partial disability are limited to \$30,000. Time loss benefits are available for victims who either were employed at the time of the criminal act or were employed for any three consecutive months of the 12 months preceding the criminal act.

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.

The Department of Labor and Industries reports that it will have exhausted its current appropriation for crime victim compensation as of April, 2010.

Summary of Bill: Crime victim compensation is not available to a victim unless the victim files an application for compensation within one year after the date of the criminal act, and reports the act to the police or sheriff within 90 days of its occurrence. Total claim payments for any claim are limited to \$50,000. Benefits paid for burial expenses must not exceed \$5,000. No lump sum payment is available for a surviving spouse or child when the victim was not gainfully employed at the time of the criminal act.

The benefits of any victim who becomes permanently and totally disabled as a result of a criminal act must be calculated as a percentage of the average monthly wage in the state. Total compensation for a permanent partial disability is limited to \$22,000.

Compensation is disallowed for a victim who has been convicted of a felony during the five years preceding the criminal act. Time loss compensation is disallowed for any person who was not gainfully employed at the time of the criminal act.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony: PRO: We request this bill with a deep heart. Without the passage of this bill, we expect a \$3.4 million deficit in this program before the end of the fiscal year, due to unexpected case load increases driven by the economy. The Governor also included additional cuts to this program in her supplemental budget. We tried to find cuts that would impact the fewest number of people, and which make the program comparable to the benefits offered in other states. Our program is the second most generous program in the nation; with these cuts, it would be tied for seventh. The income of victims is not considered for eligibility.

CON: We understand the budget crisis the state is facing. This fund should operate like an insurance program, and set aside funds in years of surplus to offset future deficits. Any legislation passed should have a sunset clause. Cutting the time allowed to report a crime will cause problems for victims, who may not be in a safe place when the crime is committed. Cutting the application time will not be fair to victims when there is a long delay in filing the case, and the victim is not informed about the program. It would be inequitable to exclude all victims who were convicted of a felony. It may be better to base eligibility decisions on need than to have a bright line exclusion of certain victims. Don't reduce benefits for burial expenses, or eliminate the lump sum payment for families of victims who are unemployed. The \$50,000 cap will have a disproportionate effect on victims who experience the most severe injuries. This program offers justice and protection for victims. Instead of eliminating the lump sum payment, make a larger lump sum payment in lieu of burial expenses, which a victim's family can spend with flexibility.

Persons Testifying: PRO: Carole Washburn, Cletus Nnanabu, L&I.

CON: Lonnie Johns-Brown, Washington Coalition of Sexual Assault Programs; Kelly Pelland, Tom McBride, Washington Association of Prosecuting Attorneys; Jenny Wieland, Families and Friends of Violent Crime Victims; Toni McKinley, Washington Coalition of Crime Victims Advocates; Tamra Ingwaldson, Crime Victim Assistance Center.