
HOUSE BILL 2807

State of Washington

62nd Legislature

2012 Regular Session

By Representative Hunter

Read first time 02/27/12. Referred to Committee on Ways & Means.

1 AN ACT Relating to applications for crime victims' compensation
2 benefits; and amending RCW 7.68.060.

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 read
5 as follows:

6 (1)(a) 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~~)) (i)(A) An application for benefits is not received by the
10 department within ((~~two~~)) one year((~~s~~)) after the date the criminal act
11 was reported to a local police department or sheriff's office or the
12 date 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 in
16 which an application can be received for up to five years after the
17 date the criminal act was reported to a local police department or
18 sheriff's office or the date the rights of beneficiaries accrued; ((~~or~~

1 ~~(b))~~ (B) The criminal act is not reported by the victim or someone
2 on his or her behalf to a local police department or sheriff's office
3 within (~~twelve months~~) ninety days of its occurrence or, if it could
4 not reasonably have been reported within that period, within (~~twelve~~
5 ~~months~~) ninety days of the time when a report could reasonably have
6 been made. In making determinations as to reasonable time limits, the
7 department shall give greatest weight to the needs of the victims;

8 (ii)(A) An application for benefits is not received by the
9 department within two years after the date the sexual assault was
10 reported to a local police department or sheriff's office or the date
11 the rights of beneficiaries accrued, unless the director has determined
12 that good cause exists to expand the time permitted to receive the
13 application. Good cause shall be determined by the department on a
14 case-by-case basis and may extend the period of time in which an
15 application can be received for up to five years after the date the
16 sexual assault was reported to a local police department or sheriff's
17 office or the date the rights of beneficiaries accrued; or

18 (B) The sexual assault offense is not reported by the victim or
19 someone on his or her behalf to a local police department or sheriff's
20 office within twelve months of its occurrence or, if it could not
21 reasonably have been reported within that period, within twelve months
22 of the time when a report could reasonably have been made. In making
23 determinations as to reasonable time limits, the department shall give
24 greatest weight to the needs of the victims.

25 (b) As used in (a)(i)(A) and (B) of this subsection, a "criminal
26 act" does not include a "sexual assault" offense. "Sexual assault" has
27 the same meaning as defined in RCW 70.125.030.

28 (2) No person or spouse, child, or dependent of such person is
29 eligible for benefits under this chapter when the injury for which
30 benefits are sought, was:

31 (a) The result of consent, provocation, or incitement by the
32 victim, unless an injury resulting from a criminal act caused the death
33 of the victim;

34 (b) Sustained while the crime victim was engaged in the attempt to
35 commit, or the commission of, a felony; or

36 (c) Sustained while the victim was confined in any county or city
37 jail, federal jail or prison or in any other federal institution, or
38 any state correctional institution maintained and operated by the

1 department of social and health services or the department of
2 corrections, prior to release from lawful custody; or confined or
3 living in any other institution maintained and operated by the
4 department of social and health services or the department of
5 corrections.

6 (3) No person or spouse, child, or dependent of such person is
7 eligible for benefits under this chapter where the person making a
8 claim for such benefits has refused to give reasonable cooperation to
9 state or local law enforcement agencies in their efforts to apprehend
10 and convict the perpetrator of the criminal act which gave rise to the
11 claim.

12 (4) A victim is not eligible for benefits under this chapter if he
13 or she:

14 (a) Has been convicted of a felony offense within five years
15 preceding the criminal act for which they are applying where the felony
16 offense is a violent offense under RCW 9.94A.030 or a crime against
17 persons under RCW 9.94A.411, or is convicted of such a felony offense
18 after the criminal act for which they are applying; and

19 (b) Has not completely satisfied all legal financial obligations
20 owed.

21 (5) Because victims of childhood criminal acts may repress
22 conscious memory of such criminal acts far beyond the age of eighteen,
23 the rights of adult victims of childhood criminal acts shall accrue at
24 the time the victim discovers or reasonably should have discovered the
25 elements of the crime. In making determinations as to reasonable time
26 limits, the department shall give greatest weight to the needs of the
27 victim.

28 (6)(a) Benefits under this chapter are available to any victim of
29 a person against whom the state initiates proceedings under chapter
30 71.09 RCW. The right created under this subsection shall accrue when
31 the victim is notified of proceedings under chapter 71.09 RCW or the
32 victim is interviewed, deposed, or testifies as a witness in connection
33 with the proceedings. An application for benefits under this
34 subsection must be received by the department within two years after
35 the date the victim's right accrued unless the director determines that
36 good cause exists to expand the time to receive the application. The
37 director shall determine "good cause" on a case-by-case basis and may
38 extend the period of time in which an application can be received for

1 up to five years after the date the right of the victim accrued.
2 Benefits under this subsection shall be limited to compensation for
3 costs or losses incurred on or after the date the victim's right
4 accrues for a claim allowed under this subsection.

5 (b) A person identified as the "minor" in the charge of commercial
6 sexual abuse of a minor under RCW 9.68A.100, promoting commercial
7 sexual abuse of a minor under RCW 9.68A.101, or promoting travel for
8 commercial sexual abuse of a minor under RCW 9.68A.102 is considered a
9 victim of a criminal act for the purpose of the right to benefits under
10 this chapter even if the person is also charged with prostitution under
11 RCW 9A.88.030.

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