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5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 7.68.070 and 1990 c 3 s 502 are each amended to read
8 as follows:

9 The right to benefits under this chapter and the amount thereof
10 will be governed insofar as is applicable by the provisions contained
11 in chapter 51.32 RCW as now or hereafter amended except as provided in
12 this section:

13 (1) The provisions contained in RCW 51.32.015, 51.32.030,
14 51.32.072, 51.32.073, 51.32.180, 51.32.190, and 51.32.200 as now or
15 hereafter amended are not applicable to this chapter.

16 (2) Each victim injured as a result of a criminal act, including
17 criminal acts committed between July 1, 1981, and January 1, 1983, or
18 the victim's family or dependents in case of death of the victim, are
19 entitled to benefits in accordance with this chapter, subject to the
20 limitations under RCW 7.68.015. The rights, duties, responsibilities,
21 limitations, and procedures applicable to a worker as contained in RCW
22 51.32.010 as now or hereafter amended are applicable to this chapter.

23 (3) The limitations contained in RCW 51.32.020 as now or hereafter
24 amended are applicable to claims under this chapter. In addition
25 thereto, no person or spouse, child, or dependent of such person is
26 entitled to benefits under this chapter when the injury for which
27 benefits are sought, was:

1 (a) The result of consent, provocation, or incitement by the
2 victim;

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

5 (c) Sustained while the victim was confined in any county or city
6 jail, federal jail or prison or in any other federal institution, or
7 any state correctional institution maintained and operated by the
8 department of social and health services or the department of
9 corrections, prior to release from lawful custody; or confined or
10 living in any other institution maintained and operated by the
11 department of social and health services or the department of
12 corrections.

13 (4) The benefits established upon the death of a worker and
14 contained in RCW 51.32.050 as now or hereafter amended shall be the
15 benefits obtainable under this chapter and provisions relating to
16 payment contained in that section shall equally apply under this
17 chapter: PROVIDED, That benefits for burial expenses shall not exceed
18 the maximum cost used by the department of social and health services
19 for the funeral and burial of a deceased indigent person under chapter
20 74.08 RCW in any claim: PROVIDED FURTHER, That if the criminal act
21 results in the death of a victim who was not gainfully employed at the
22 time of the criminal act, and who was not so employed for at least
23 three consecutive months of the twelve months immediately preceding the
24 criminal act;

25 (a) Benefits payable to an eligible surviving spouse, where there
26 are no children of the victim at the time of the criminal act who have
27 survived the victim or where such spouse has legal custody of all of
28 his or her children, shall be limited to burial expenses and a lump sum
29 payment of seven thousand five hundred dollars without reference to
30 number of children, if any;

1 (b) Where any such spouse has legal custody of one or more but not
2 all of such children, then such burial expenses shall be paid, and such
3 spouse shall receive a lump sum payment of three thousand seven hundred
4 fifty dollars and any such child or children not in the legal custody
5 of such spouse shall receive a lump sum of three thousand seven hundred
6 fifty dollars to be divided equally among such child or children;

7 (c) If any such spouse does not have legal custody of any of the
8 children, the burial expenses shall be paid and the spouse shall
9 receive a lump sum payment of up to three thousand seven hundred fifty
10 dollars and any such child or children not in the legal custody of the
11 spouse shall receive a lump sum payment of up to three thousand seven
12 hundred fifty dollars to be divided equally among the child or
13 children;

14 (d) If no such spouse survives, then such burial expenses shall be
15 paid, and each surviving child of the victim at the time of the
16 criminal act shall receive a lump sum payment of three thousand seven
17 hundred fifty dollars up to a total of two such children and where
18 there are more than two such children the sum of seven thousand five
19 hundred dollars shall be divided equally among such children.

20 No other benefits may be paid or payable under these circumstances.

21 (5) The benefits established in RCW 51.32.060 as now or hereafter
22 amended for permanent total disability proximately caused by the
23 criminal act shall be the benefits obtainable under this chapter, and
24 provisions relating to payment contained in that section apply under
25 this chapter: PROVIDED, That if a victim becomes permanently and
26 totally disabled as a proximate result of the criminal act and was not
27 gainfully employed at the time of the criminal act, the victim shall
28 receive monthly during the period of the disability the following
29 percentages, where applicable, of the average monthly wage determined

1 as of the date of the criminal act pursuant to RCW 51.08.018 as now or
2 hereafter amended:

3 (a) If married at the time of the criminal act, twenty-nine percent
4 of the average monthly wage.

5 (b) If married with one child at the time of the criminal act,
6 thirty-four percent of the average monthly wage.

7 (c) If married with two children at the time of the criminal act,
8 thirty-eight percent of the average monthly wage.

9 (d) If married with three children at the time of the criminal act,
10 forty-one percent of the average monthly wage.

11 (e) If married with four children at the time of the criminal act,
12 forty-four percent of the average monthly wage.

13 (f) If married with five or more children at the time of the
14 criminal act, forty-seven percent of the average monthly wage.

15 (g) If unmarried at the time of the criminal act, twenty-five
16 percent of the average monthly wage.

17 (h) If unmarried with one child at the time of the criminal act,
18 thirty percent of the average monthly wage.

19 (i) If unmarried with two children at the time of the criminal act,
20 thirty-four percent of the average monthly wage.

21 (j) If unmarried with three children at the time of the criminal
22 act, thirty-seven percent of the average monthly wage.

23 (k) If unmarried with four children at the time of the criminal
24 act, forty percent of the average monthly wage.

25 (l) If unmarried with five or more children at the time of the
26 criminal act, forty-three percent of the average monthly wage.

27 (6) The benefits established in RCW 51.32.080 as now or hereafter
28 amended for permanent partial disability shall be the benefits
29 obtainable under this chapter, and provisions relating to payment
30 contained in that section equally apply under this chapter.

1 (7) The benefits established in RCW 51.32.090 as now or hereafter
2 amended for temporary total disability shall be the benefits obtainable
3 under this chapter, and provisions relating to payment contained in
4 that section apply under this chapter: PROVIDED, That no person is
5 eligible for temporary total disability benefits under this chapter if
6 such person was not gainfully employed at the time of the criminal act,
7 and was not so employed for at least three consecutive months of the
8 twelve months immediately preceding the criminal act.

9 (8) The benefits established in RCW 51.32.095 as now or hereafter
10 amended for continuation of benefits during vocational rehabilitation
11 shall be benefits obtainable under this chapter, and provisions
12 relating to payment contained in that section apply under this chapter:
13 PROVIDED, That benefits shall not exceed five thousand dollars for any
14 single injury.

15 (9) The provisions for lump sum payment of benefits upon death or
16 permanent total disability as contained in RCW 51.32.130 as now or
17 hereafter amended apply under this chapter.

18 (10) The provisions relating to payment of benefits to, for or on
19 behalf of workers contained in RCW 51.32.040, 51.32.055, 51.32.100,
20 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160, and
21 51.32.210 as now or hereafter amended are applicable to payment of
22 benefits to, for or on behalf of victims under this chapter.

23 (11) No person or spouse, child, or dependent of such person is
24 entitled to benefits under this chapter where the person making a claim
25 for such benefits has refused to give reasonable cooperation to state
26 or local law enforcement agencies in their efforts to apprehend and
27 convict the perpetrator(s) of the criminal act which gave rise to the
28 claim.

29 (12) In addition to other benefits provided under this chapter,
30 victims of sexual assault are entitled to receive appropriate

1 counseling. Fees for such counseling shall be determined by the
2 department in accordance with RCW 51.04.030, subject to the limitations
3 of RCW 7.68.080. Counseling services may include, if determined
4 appropriate by the department, counseling of members of the victim's
5 immediate family, other than the perpetrator of the assault.

6 (13) Except for medical benefits authorized under RCW 7.68.080, no
7 more than thirty thousand dollars shall be granted as a result of a
8 single injury or death, except that benefits granted as the result of
9 total permanent disability or death shall not exceed forty thousand
10 dollars.

11 (14) Notwithstanding other provisions of this chapter and Title 51
12 RCW, benefits payable for total temporary disability under subsection
13 (7) of this section, shall be limited to fifteen thousand dollars.

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

17 (16) Crime victims' compensation is not available to pay for
18 services covered under chapter 74.09 RCW or Title XIX of the federal
19 social security act, except to the extent that the costs for such
20 services exceed service limits established by the department of social
21 and health services.

22 (17) In addition to other benefits provided under this chapter,
23 immediate family members of a homicide victim may receive appropriate
24 counseling to assist in dealing with the immediate, near-term
25 consequences of the related effects of the homicide. Fees for
26 counseling shall be determined by the department in accordance with RCW
27 51.04.030, subject to the limitations of RCW 7.68.080. Payment of
28 counseling benefits under this section may not be provided to the
29 perpetrator of the homicide. The benefits under this subsection may be

1 provided only with respect to homicides committed on or after July 1,
2 1992."

3 **HB 2255** - S COMM AMD
4 By Committee on Law & Justice

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6 On page 1, line 1 of the title, after "victims;" strike the
7 remainder of the title and insert "and amending RCW 7.68.070."