

1 **SSB 5402** - H COMM AMDS **ADOPTED 4/6/95**

2 By Committee on Commerce & Labor

3 On page 2, after line 10, insert the following:

4 "Sec. 2. RCW 51.32.020 and 1977 ex.s. c 350 s 39 are each
5 amended to read as follows:

6 If injury or death results to a worker from the deliberate
7 intention of the worker himself or herself to produce such injury
8 or death, or while the worker is engaged in the attempt to commit,
9 or the commission of, a felony, neither the worker nor the widow,
10 widower, child, or dependent of the worker shall receive any
11 payment under this title.

12 If injury or death results to a worker from the deliberate
13 intention of a beneficiary of that worker to produce the injury or
14 death, or if injury or death results to a worker as a consequence
15 of a beneficiary of that worker engaging in the attempt to commit,
16 or the commission of, a felony, the beneficiary shall not receive
17 any payment under this title.

18 An invalid child, while being supported and cared for in a
19 state institution, shall not receive compensation under this
20 chapter.

21 No payment shall be made to or for a natural child of a
22 deceased worker and, at the same time, as the stepchild of a
23 deceased worker.

24 **Sec. 3.** RCW 51.32.040 and 1987 c 75 s 7 are each amended to
25 read as follows:

26 (1) Except as provided in RCW 43.20B.720 and 74.20A.260, no
27 money paid or payable under this title shall, ((except as provided
28 for in RCW 43.20B.720 or 74.20A.260, prior to)) before the issuance
29 and delivery of the check or warrant ((therefor)), be ((capable of

1 being)) assigned, charged, or (~~ever be~~) taken in execution
2 (~~or~~), attached (~~or~~), garnished, (~~nor shall the same~~) or
3 pass(~~or~~) or be paid(~~or~~) to any other person by operation of law,
4 (~~or by~~) any form of voluntary assignment, or power of attorney.
5 Any such assignment or charge (~~shall be~~) is void(~~or~~) unless the
6 transfer is to a financial institution at the request of a worker
7 or other beneficiary and made in accordance with RCW 51.32.045
8 (~~shall be made: PROVIDED, That~~).

9 (2)(a) If any worker suffers (i) a permanent partial
10 injury(~~or~~) and dies from some other cause than the accident which
11 produced (~~such~~) the injury before he or she (~~shall have~~
12 ~~received~~) receives payment of (~~his or her~~) the award for
13 (~~such~~) the permanent partial injury(~~or~~) or (~~if any worker~~
14 ~~suffers~~) (ii) any other injury before he or she (~~shall have~~
15 ~~received~~) receives payment of any monthly installment covering any
16 period of time (~~prior to~~) before his or her death, the amount of
17 (~~such~~) the permanent partial disability award(~~or~~) or (~~of such~~)
18 the monthly payment, or both, shall be paid to the surviving
19 spouse(~~or~~) or (~~to~~) the child or children if there is no
20 surviving spouse(~~: PROVIDED FURTHER, That~~).

21 (b) If any worker suffers an injury and dies (~~therefrom~~)
22 from it before he or she (~~shall have received~~) receives payment
23 of any monthly installment covering time loss for any period of
24 time (~~prior to~~) before his or her death, the amount of (~~such~~)
25 the monthly payment shall be paid to the surviving spouse(~~or~~) or
26 (~~to~~) the child or children if there is no surviving spouse(~~:~~
27 ~~PROVIDED FURTHER, That~~).

28 (c) Any application for compensation under (~~the foregoing~~
29 ~~provisos of this section~~) this subsection (2) shall be filed with
30 the department or self-insuring employer within one year of the
31 date of death(~~: PROVIDED FURTHER, That~~). However, if the
32 injured worker resided in the United States as long as three years
33 (~~prior to~~) before the date of injury, (~~such~~) payment under this

1 subsection (2) shall not be made to any surviving spouse or child
2 who was at the time of the injury a nonresident of the United
3 States(~~(:—PROVIDED FURTHER, That)~~)).

4 (3)(a) Any worker or beneficiary receiving benefits under this
5 title who is subsequently confined in, or who subsequently becomes
6 eligible (~~(therefor)~~) for benefits under this title while confined
7 in, any institution under conviction and sentence shall have all
8 payments of (~~(such)~~) the compensation canceled during the period of
9 confinement (~~(but)~~). After discharge from the institution, payment
10 of benefits (~~(thereafter)~~) due afterward shall be paid if (~~(such)~~)
11 the worker or beneficiary would, (~~(but)~~) except for the provisions
12 of this (~~(proviso)~~) subsection (3), otherwise be entitled
13 (~~(thereto:—PROVIDED FURTHER, That)~~) to them.

14 (b) If any prisoner is injured in the course of his or her
15 employment while participating in a work or training release
16 program authorized by chapter 72.65 RCW and is subject to the
17 provisions of this title, he or she (~~(shall be)~~) is entitled to
18 payments under this title, subject to the requirements of chapter
19 72.65 RCW, unless his or her participation in (~~(such)~~) the program
20 has been canceled, or unless he or she is returned to a state
21 correctional institution, as defined in RCW 72.65.010(3), as a
22 result of revocation of parole or new sentence(~~(:—PROVIDED~~
23 ~~FURTHER, That)~~)).

24 (c) If (~~(such incarcerated)~~) the confined worker has any
25 beneficiaries during (~~(such)~~) the confinement period during which
26 benefits are canceled under (a) or (b) of this subsection, (~~(any~~
27 ~~beneficiaries,~~) they shall be paid directly the monthly benefits
28 which would have been paid to (~~(him or her)~~) the worker for himself
29 or herself and (~~(his or her)~~) the worker's beneficiaries had (~~(he~~
30 ~~or she)~~) the worker not been (~~(so)~~) confined.

31 (4) Any lump sum benefits to which (~~(the)~~) a worker would
32 otherwise be entitled but for the provisions of (~~(these provisos)~~)

1 this section shall be paid on a monthly basis to his or her
2 beneficiaries."

3 On page 4, after line 26, insert the following:

4 "NEW SECTION. Sec. 6. Sections 2 and 3 of this act shall
5 apply from the effective date of this act without regard to the
6 date of injury or the date of filing a claim."

7 Renumber the sections consecutively, correct internal references
8 accordingly, and correct the title.

EFFECT: Provides that (1) an injured worker's beneficiary is not entitled to industrial insurance benefits if the injury resulted from the deliberate intention of the beneficiary to cause the injury or from the beneficiary committing or attempting to commit a felony; and (2) a beneficiary while incarcerated under conviction and sentence is not entitled to benefits. These provisions apply from the effective date of the act without regard to the date of injury or the date of filing a claim.