

HOUSE BILL REPORT

HB 1392

As Reported By House Committee On:
Criminal Justice & Corrections
Appropriations

Title: An act relating to the crime victims' compensation program.

Brief Description: Enhancing crime victims' compensation.

Sponsors: Representatives Ballasiotes, Costa, Radcliff, O'Brien, Kessler, Blalock, Cody, Murray, Cole, Morris, Tokuda, Conway, Skinner, Johnson, Linville, Scott, Keiser, Cooper, Gombosky, Ogden and Anderson.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/7/97, 2/12/97 [DPS];
Appropriations: 2/26/97, 3/6/97 [DP2S(w/o sub CJC)].

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Ballasiotes, Chairman; Benson, Vice Chairman; Koster, Vice Chairman; Quall, Ranking Minority Member; O'Brien, Assistant Ranking Minority Member; Blalock; Cairnes; Delvin; Dickerson; Hickel; Mitchell; Robertson and Sullivan.

Staff: Yvonne Walker (786-7841).

Background: The Crime Victims Act of 1973 established Washington's Crime Victims' Compensation Program (CVCP) to provide benefits to innocent victims of criminal acts. The Department of Labor and Industries was assigned authority for administering the program because benefits available to crime victims under this program were originally based on benefits paid to injured workers under the Industrial Insurance Act.

Confidentiality of Records. Under the Public Records Act, numerous records relating to personal privacy or vital governmental interests are sealed from public inspection and copying. It is unclear, however, whether this provision applies to records relating to appeals of crime victim's compensation claims.

Unspent Appropriations. Unspent appropriations for the CVCP remaining at the end of the fiscal biennium are reverted to the public safety and education account. The unexpended balance in the public safety and education account is available for expenditure in the next fiscal period.

Claimants Access to Records. A representative of a claimant may have access to their claimant's file, however, a claimant may not have access to their own file.

Summary of Substitute Bill: Confidentiality of Records. An expressed provision is added to ensure records relating to appeals of crime victims' compensation claims are exempt from public inspection and copying requirements contained in the Public Records Act.

Unspent Appropriations. Unspent appropriations for the CVCP remaining at the end of the fiscal biennium must be carried forward and used for the CVCP the following fiscal year. This applies to any amounts up to 15 percent of the total biennial appropriation for the CVCP.

Claimants Access to Records. Claimants may have access to the information in their own files.

Substitute Bill Compared to Original Bill: A provision is added to allow claimants to access information in their own crime victim compensation claim files.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Current law prohibits the victims from having access to their own files relating to an appeal of crime victim's compensation claims, however many times the media is able to gain access to these same files. In the past, several journalists were able to gain access to the files of victims and, as a result, publicized and prolonged an already dramatic, painful experience--an experience most victims are trying to forget. By sealing crime victim compensation claim appeal files, this provision will not only apply to the media, but also to files where offenders are seeking information for retaliation, as well as cases involving domestic violence, where spouses often try to obtain information on his or her partner.

Most people assume that crime victim appeal records containing personal information are sealed and private, however the current law relating to sealed records is unclear as to whether it applies to records such as these.

Testimony Against: None.

Testified: Representative Jeralita Costa (pro); Steve Eckstrom, Office of Crime Victim Advocacy; and Kim Holder, Washington Coalition of Crime Victim Advocates (pro).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Criminal Justice & Corrections. Signed by 30 members: Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman; H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Gombosky, Assistant Ranking Minority Member; Benson; Carlson; Chopp; Cody; Cooke; Crouse; Dyer; Grant; Keiser; Kenney; Kessler; Linville; Lisk; Mastin; McMorris; Parlette; Poulsen; Regala; D. Schmidt; Sehlin; Sheahan; Talcott and Tokuda.

Staff: Jim Lux (786-7152).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Criminal Justice & Corrections: The second substitute strikes the language that authorized the Crime Victims Compensation program to carry forward unspent appropriations from the Public Safety and Education Account from one biennium to the next.

Appropriation: None.

Fiscal Note: Available.

Effective Date Ninety days after adjournment of session in which bill is passed.

Testimony For: In some years, the program has run out of money and people can't get services. The ability to carry over unexpended funding from one biennium to the next would help stabilize the program. Crime victims and claims do not follow biennial lines. Claimants should not be precluded from accessing their own records. When a claim is on appeal, the victim's records should be confidential and sealed from public inspection.

Testimony Against: None.

Testified: Representative Costa, original prime sponsor; Deborah Ruggles, Washington Coalition of Sexual Assault Programs.