

HOUSE BILL ANALYSIS

HB 1393

Title: An act relating to crime victims' compensation.

Brief Description: Requiring that a petition for review of a final order or judgement of the board of industrial insurance appeals regarding crime victim compensation be filed within ninety days of the final order or judgement.

Sponsors: Representatives Ballasiotes and Costa.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

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.

Eligibility. Persons injured by a criminal act in Washington, or their surviving spouses and dependents, are generally eligible to receive benefits under the program providing that:

- The criminal act for which compensation is being sought is punishable as a gross misdemeanor or felony.
- The crime was reported to law enforcement within one year of its occurrence or within one year from the time a report could reasonably have been made.
- The applications for crime victims benefits is made within one year after the crime was reported to law enforcement or the rights of the beneficiaries or dependents accrued.

Under the Crime Victims Act, claims are denied if the injury for which benefits are being sought was the result of consent, provocation, or incitement—by the victim. Claims are also denied if the injury was sustained while the victim was committing or attempting to commit a felony.

The provisions of the Industrial Insurance Act apply to appeals of denial of benefits. However, provisions in the Industrial Insurance Act that apply to employers as parties to any settlement or appeal do not apply to appeals under the Crime Victims Compensation Act.

All appeal petitions relating to crime victim compensation judgements must be filed within 60 days

of the Board of Industrial Insurance's final order or judgement.

Summary: The appeal time relating to crime victim compensation judgements is extended from 60 days to 90 days following the final decision of the Board of Industrial Insurance.

An expressed provision is added to the chapter on industrial insurance appeals paralleling an existing provision in the Crime Victims Compensation Act. This provision states that the Crime Victims Compensation Act does not apply to matters relating to employers.

Require the Exercise of Rule- Making Powers: No

Fiscal Note: Requested on January 28, 1997.

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