

HOUSE BILL REPORT

HB 1393

As Reported By House Committee On:

Criminal Justice & Corrections

Title: An act relating to crime victims' compensation.

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

Sponsors: Representatives Ballasiotes, Costa, Radcliff, O'Brien, Kessler, Blalock, Cody, Murray, Cole, Morris, Tokuda, Conway, Skinner and Kenney.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/7/97, 2/12/97 [DPS].

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.

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 of Substitute Bill: The appeal time relating to crime victim compensation judgements is extended from 60 days to 90 days in which the Board of Industrial Insurance's final judgement is communicated to the parties.

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.

Substitute Bill Compared to Original Bill: Provisions are added to require appeal petitions to be filed within 90 days in which the board's final judgement is communicated to the parties.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Many times crime victims are not aware that they are eligible to apply for benefits under the CVCP until someone such as a community organization contacts them. Many victims are not even prompted to apply until large medical bills

start to arrive as a result of an injury the victim received during the crime. Still others just have a difficult time filling out the application or obtaining a copy of the police report; a police report which is sometimes sent with incorrect information in it. Consequently, by the time a victim gets his or her feet back on the ground and actually applies to the CVCP for benefits, they have already missed the 60-day deadline.

There are also instances when the police department may send a police report disqualifying a victim from receiving benefits. The application deadline extension from 60 days to 90 days will allow all parties to have sufficient time to submit all of the required paperwork to enable the victim injured by a criminal act, or their surviving spouses and dependents, to receive benefits under the program.

Testimony Against: None.

Testified: Representative Jeralita Costa (pro); Cletus Nnanabu, Crime Victims Compensation; Brian Huseby, Crime Victim Compensation; Deborah Ruggles, Washington Association of Sexual Assault Programs (pro); and Steve Eckstrom, Office of Crime Victim Advocacy.