

# SENATE BILL REPORT

## SHB 1393

---

As Reported By Senate Committee On:  
Law & Justice, April 1, 1997

**Title:** An act relating to crime victims' compensation.

**Brief Description:** Regulating board of industrial insurance appeals.

**Sponsors:** House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Ballasiotes, Costa, Radcliff, O'Brien, Kessler, Blalock, Cody, Murray, Cole, Morris, Tokuda, Conway, Skinner and Kenney).

**Brief History:**

**Committee Activity:** Law & Justice: 3/24/97, 4/1/97 [DP].

---

### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Long, Stevens and Zarelli.

**Staff:** Dick Armstrong (786-7460)

**Background:** The Crime Victims Act of 1973 established Washington's Crime Victims' Compensation Program to provide benefits to innocent victims of criminal acts. Benefits available to crime victims under this program are based on benefits paid to injured workers under the Industrial Insurance Act. The program is administered by the Department of Labor and Industries.

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: (1) the criminal act for which compensation is being sought is punishable as a gross misdemeanor or felony; (2) 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; and (3) the applications for crime victims' benefits is made within two years 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. An appeal relating to crime victim compensation awards must be filed within 60 days of the department's final order or judgement.

**Summary of Bill:** The time period for a victim of a crime to appeal a decision of the Department of Labor and Industries under the Crime Victims Compensation program is extended from 60 days to 90 days.

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.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** Many times there are delays in getting paperwork done, primarily because of the heavy workloads of those in the criminal justice system. Crime victims need additional time to carry out the appeal process. Victims of crime may not be emotionally able to promptly activate the legal process. This bill makes the process more fair.

**Testimony Against:** None.

**Testified:** PRO: Representative Ballasiotes; Representative Costa; Debbie Ruggles, Washington Association of Sexual Assault Victims.