

HOUSE BILL REPORT

SB 6788

As Passed House:

March 5, 2002

Title: An act relating to benefits for dependent parents of homicide victims.

Brief Description: Authorizing a travel payment for out-of-state parents of homicide victims.

Sponsors: By Senators Costa and Hargrove.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/26/02 [DP].

Floor Activity:

Passed House: 3/5/02, 97-0.

Brief Summary of Bill

- Expands crime victims compensation benefits to parents who reside outside of the state and who are requested to participate in judicial proceedings related to their child's death.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Lovick, Vice Chair; Ballasiotes, Ranking Minority Member; Ahern, Kagi, Kirby and Morell.

Staff: Yvonne Walker (786-7191).

Background:

The Crime Victims' Act of 1973 established a Crime Victims' Compensation Program (CVCP) to provide benefits to innocent victims of criminal acts. The Department of Labor and Industries (L & I) 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.

Generally persons injured by a criminal act, or his or her surviving spouse and dependents, are 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; and
- 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/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.

Summary of Bill:

Benefits under the Crime Victims Compensation Act are expanded to parents and step-parents who are survivors of a child's homicidal death and who are requested by a law enforcement agency or prosecutor to assist in the judicial proceedings related to the child's death. The parents and step-parents cannot live in Washington at the time of the request and may receive a lump-sum payment upon their arrival in Washington. The payment may not exceed \$7,500 and must be divided equally among the other dependent parents of the child if they are also eligible for the benefit.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This bill is a very narrow bill in scope. It only applies to dependent parents of homicide victims that do not have a domicile in Washington and live out-of-state or overseas. Furthermore, these are parents who have to be requested by the prosecution or law enforcement to participate in judicial proceedings.

When a child is murdered and the parents are dependant on that child and are asked to attend a trial as a witness or some other criminal justice process, it is important that they have the opportunity to do so.

Testimony Against: None.

Testified: Jenny Wieland, Families and Friends of Violent Crime Victims.

