

# FINAL BILL REPORT

## HB 1040

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Synopsis as Enacted

**Brief Description:** Authorizing crime victims' compensation benefits in hit-and-run vehicular assault cases.

**Sponsors:** Representatives Ballasiotes, O'Brien, Jarrett, Conway and Simpson.

**House Committee on Criminal Justice & Corrections**  
**Senate Committee on Judiciary**

### **Background:**

The Crime Victims' Compensation Program (CVCP) provides benefits to innocent victims of criminal acts. The benefits available to crime victims are based generally on benefits paid to injured workers under the Industrial Insurance Act, and include medical and mental health costs, disability payments, and benefits for survivors of deceased victims. The Department of Labor and Industries administers the program.

A person injured by a criminal act, or his or her surviving family, is 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, and the application for benefits is made within two years after the crime was reported to law enforcement or the rights of the person accrued.

Vehicular offenses are not considered criminal acts— for the purposes of obtaining benefits under the CVCP, except in the following situations:

- 1) The injury or death was intentionally inflicted;
- 2) The operation of the vehicle was part of the commission of another non-vehicular criminal act;
- 3) A preponderance of the evidence establishes that the death was the result of vehicular homicide;
- 4) The injury or death was caused by a person driving while under the influence of liquor or any drug; or
- 5) In the case of vehicular assault, if a conviction was obtained, or if the defendant died while committing the vehicular assault or is otherwise unable to stand trial because of a physical or mental infirmity, in which cases the department may authorize benefits if it can establish by a preponderance of the evidence that a

vehicular assault was committed.

**Summary:**

In the case of injury caused by vehicular assault, if the perpetrator is unascertainable because he or she fled the scene of the accident, the Department of Labor and Industries may authorize benefits if it can establish by a preponderance of the evidence that a vehicular assault was committed.

**Votes on Final Passage:**

House 97 0

Senate 44 0

**Effective:** July 22, 2001