

HOUSE BILL REPORT

HB 1271

As Passed House:

March 9, 2001

Title: An act relating to modifying requirements for certain victims of sexually violent predators to be eligible for victims' compensation.

Brief Description: Modifying requirements for certain victims of sexually violent predators to be eligible for victims' compensation.

Sponsors: By Representatives Ballasiotes, O'Brien, Conway and Woods.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/29/01, 2/7/01 [DP].

Floor Activity:

Passed House: 3/9/01, 98-0.

Brief Summary of Bill

- Expands the Crime Victims' Compensation Act to those victims of persons who are subject to a sexually violent predator civil commitment proceeding.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes, Kagi, Kirby and Morell.

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 (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.

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; and
- the application for crime victims' benefits is made within two years after the crime was reported to law enforcement or the rights of the beneficiaries.

Although victims often participate in sexually violent predator civil commitment proceedings, they do not receive benefits under the Crime Victims' Compensation Act during their participation. Civil commitment proceedings are usually held to determine whether an offender should be classified as a sexually violent predator and hence civilly committed.

Summary of Bill:

Victims of persons who are subject to a sexually violent predator civil commitment proceeding are eligible to receive benefits under the Crime Victims' Compensation Act. The right to benefits begins when the person is notified of the commitment proceeding or is interviewed, deposed, or named as a witness in the proceeding. An application for benefits must be received within two years of the date the right to benefits begins unless good cause is shown to expand the time to receive the application. The director of the L & I has the authority to determine good cause on a case-by-case basis and may extend the period of time in which an application can be received for up to five years after the date of which the victim has the right to begin receiving benefits. Benefits are limited to costs or losses incurred on or after the date the victim's right accrues for a crime victims' compensation claim.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: When a prosecutor begins the proceedings for the civil commitment of a sex offender victims are often asked to come forward to testify. In fact, there once was a case that involved a 52 year old offender who began committing sex offenses back in the late 1960s, and although victims always have an option as to whether to attend a sexually violent predator proceeding to testify against an offender, trying to get victims that were sexually offended approximately 20 or 30 years ago is always quite difficult for a victim

to do. In some instances the crime took place even before the Crime Victims' Compensation Program ever existed. This bill will help those people who were victims in the past to be able to get crime victims' compensation.

The total number of victims asked to testify at civil commitment proceedings each year will predictably be quite small.

Testimony Against: None.

Testified: Representative Ballasiotes, prime sponsor; Terri Luken, King County Prosecuting Attorney's Office; Suzanne Brown, Washington Coalition of Sexual Assault Programs; and Joan Guenther, Washington Coalition of Crime Victim Advocates.