

SENATE BILL REPORT

HB 1040

As Reported By Senate Committee On:
Judiciary, March 27, 2001

Title: An act relating to authorizing crime victims' compensation benefits in hit-and-run vehicular assault cases.

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

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

Brief History:

Committee Activity: Judiciary: 3/15/01, 3/27/01 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Staff: Lidia Mori (786-7755)

Background: The Crime Victims' Compensation Program (CVCP) provides benefits to innocent victims of criminal acts. The benefits available to crime victims include medical and mental health costs, disability payments, and benefits for survivors of deceased victims. The Department of Labor and Industries administers the program.

Persons injured by a criminal act, 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 or dependents 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 those cases, the department may authorize benefits if it can establish by a preponderance of the evidence that a vehicular assault was committed.

Summary of Bill: In the case of injury caused by vehicular assault, if the perpetrator is unascertainable because he or she fled the scene of the accident (hit-and-run), the department may authorize benefits if it can establish by a preponderance of the evidence that a vehicular assault was committed.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: People who are the victims of hit and run crimes should be eligible for crime victims' compensation when it can be established by a preponderance of the evidence that a vehicular assault was committed. A case was related where the person's mother was crossing the street and saw a car leaving a nearby tavern at a high rate of speed. The car hit the pedestrian and left the scene. The victim was denied crime victims' compensation benefits.

Testimony Against: None.

Testified: PRO: Representative Ballasiotes, Ruby Redd.