

# SENATE BILL REPORT

## SB 5672

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As Reported By Senate Committee On:  
Judiciary, February 26, 2001

**Title:** An act relating to restitution to the estate of crime victims.

**Brief Description:** Confirming that restitution must be paid to the estate of a victim who dies.

**Sponsors:** Senators Costa, Long, Hargrove, Constantine, Shin, Kline, Jacobsen and Kohl-Welles.

**Brief History:**

**Committee Activity:** Judiciary: 2/12/01, 2/26/01 [DPS].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 5672 be substituted therefor, and the substitute bill do pass.

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

**Staff:** Aldo Melchiori (786-7439)

**Background:** Restitution, ordered by a court pursuant to a criminal offense, is based upon damages for injury or loss of property, actual expenses incurred for treatment, and lost wages resulting from the injury to the victim. The amount of restitution may not exceed double the amount of the offender's gain or the victim's loss. The victim's compensation act provides direct assistance to victims of crime by requiring payment of restitution to the public safety and education account if the victim cannot be found or has died. The court, in *State v. Edelman*, 97 Wn. App. 161, *rev. denied*, (1999), interpreted the restitution statutes to permit continuation of restitution to the victim's estate even though the statutes do not directly address the issue.

**Summary of Substitute Bill:** If a victim dies before restitution is paid in full, any unpaid restitution is then paid to the victim's estate, unless the victim died without being survived by any heirs, in which case restitution is deposited in the public safety and education account.

**Substitute Bill Compared to Original Bill:** This is a technical amendment to eliminate potential conflicts between statutes and provide that restitution is consistently allocated.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** The bill assures that crime victims are fully compensated.

**Testimony Against:** None

**Testified:** PRO: Judge Peter Lukevich, DMCJA; Suzanne Brown, Washington Coalition of Sexual Assault Programs.