
**Criminal Justice & Corrections
Committee**

HB 2612

Brief Description: Including failure to secure a load in the first degree as a compensable crime under the crime victims' compensation program.

Sponsors: Representatives Kagi, O'Brien, Darneille, Rodne, Kenney, Schual-Berke, Morrell and Springer; by request of Department of Labor & Industries.

Brief Summary of Bill

- Expands the eligibility for crime victims compensation funds to include persons who are victims of the crime of failure to secure a load.

Hearing Date: 1/24/06

Staff: Yvonne Walker (786-7841).

Background:

The Washington Crime Victims' Compensation Program administered out of the Department of Labor and Industries (L&I) provides benefits to innocent victims of criminal acts. Generally, persons injured by a criminal act in Washington, or their surviving spouses and dependents, are eligible to receive benefits (medical treatment and lost wages) 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.

Criminal act is defined as: (1) an act committed or attempted in Washington, which is punishable as a felony or gross misdemeanor under the laws of Washington, (2) an act committed outside of Washington against a resident of Washington which would be compensable had it occurred inside the state, and the crime occurred in a state which does not have a Crime Victims Compensation Program, or (3) an act of terrorism. Statutory language limits the types of claims that the L&I may pay for vehicular accidents. Under the Crime Victims Compensation statute, the L&I may only pay vehicular claims when:

- the injury or death was intentionally inflicted;
- if the accident occurred during the commission of another non-vehicular criminal act;

- or if the driver was impaired by alcohol or drugs.

Victims suffering from the result of the crime of failing to secure a load would not be eligible for Crime Victims Compensation funds.

In 2005, the Legislature passed SHB 1478 that created the crime of failing to secure a load.

Failure to secure a load in the first degree is committed when a person, with criminal negligence, fails to secure all or part of a load to his or her vehicle and, as a result, causes substantial bodily harm to another. Failure to secure a load in the first degree is a gross misdemeanor. Failure to secure a load in the second degree is committed when a person, with criminal negligence, fails to secure all or part of a load to his or her vehicle and, as a result, causes damage to the property of another. Failure to secure a load in the second degree is a misdemeanor. Other failures to secure a load to a vehicle that do not rise to the level of first or second degree are designated as traffic infractions and are subject only to a monetary penalty not to exceed \$250 per infraction.

Summary of Bill:

The definition of criminal act in the Crime Victims Compensation statute is expanded to include acts where an injury or death occurred as a result of a driver who committed the offense of failing to secure a load in the first degree. As a result, victims suffering from such an offense would be eligible for Crime Victims Compensation funds.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.