

SENATE BILL REPORT

SB 5209

As Reported by Senate Committee On:
Human Services & Corrections, February 10, 2009

Title: An act relating to the availability of crime victims' compensation funds for witnesses in civil commitment proceedings.

Brief Description: Concerning counseling for witnesses in civil commitment proceedings under chapter 71.09 RCW.

Sponsors: Senators Regala, Holmquist, Kohl-Welles, Brandland, Kauffman, Stevens, Hargrove, McAuliffe and Kline; by request of Attorney General.

Brief History:

Committee Activity: Human Services & Corrections: 1/29/09, 2/10/09 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5209 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell and Kauffman.

Staff: Kevin Black (786-7747)

Background: The Department of Labor and Industries administers a crime victims' compensation program. Monetary benefits are made available to a victim injured as a result of a criminal act, or the victim's family or dependents in the case of the death of the victim. Money may also be paid for burial expenses, for counseling of immediate family members of a homicide victim, or for counseling of victims of sexual assault.

A victim of a person against whom the state initiates civil commitment proceedings as a sexually violent predator may apply for benefits under the crime victims' compensation program within two years of the victim's notice of the proceedings, or any point at which the victim is interviewed, deposed, or testifies as a witness in connection with the proceedings.

Counseling expenses are limited to the amounts payable under chapter 51.04 of the Revised Code of Washington.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill (Recommended Substitute): A victim of a person who is the subject of civil commitment petition as a sex predator may receive funds from the victims' compensation program for counseling appropriate to address the distress arising from participation in the civil commitment proceedings. These funds are available even if the person is not a resident of Washington State. The counseling expenses payable to the witness are limited to amounts payable under chapter 51.04 of the Revised Code of Washington.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute): Reimbursement for counseling expenses is limited to amounts payable under the workers' compensation program.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: The crime victims' compensation program provides a valuable service which should be extended as provided in the bill. The Department of Labor and Industries is working with the Attorney General on an amendment which should cut the fiscal note in half.

Persons Testifying: PRO: Brooke Burbank, Attorney General's Office; Dave Johnson, Washington Coalition of Crime Victim's Advocates; Cletus Nwawbu, Department of Labor and Industries.