

# SENATE BILL REPORT

## SSB 5691

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As Amended by House, April 7, 2011

**Title:** An act relating to crime victims' compensation.

**Brief Description:** Streamlining the crime victims' compensation program.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senator Hargrove).

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/15/11, 2/17/11 [DPS].

Passed Senate: 3/04/11, 46-2.

Passed House: 4/07/11, 92-0.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 5691 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Baxter, Carrell, Harper and McAuliffe.

**Staff:** Kevin Black (786-7747)

**Background:** The Crime Victims' Compensation Program (CVCP) is a program which uses a combination of state appropriations and federal grants for benefits such as medical treatment, counseling, and financial support to certain victims of crime and their beneficiaries. The CVCP is administered by the Department of Labor and Industries (L&I), and is based on the structure of the Industrial Insurance Program.

A permanent partial disability is an injury causing permanent physical limitation which does not incapacitate the victim or prevent the victim from performing work in any gainful occupation.

**Summary of Substitute Bill:** The benefit for permanent partial disability for victims of criminal acts is removed. The benefit for payments for home and vehicle modifications is also removed. The methods used to determine the amount of claim payments for total permanent disability, financial support, and fatality benefits are simplified. L&I is permitted to use electronic means of communication. The CVCP must not pay for experimental or

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controversial treatment, but only for treatment which is evidence based and curative. CVCP provisions are severed from laws relating to Industrial Insurance. Benefits for permanent partial disability and home and vehicle modifications removed by this act are restored on July 1, 2015.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill contains an emergency clause and takes effect on July 1, 2011.

**Staff Summary of Public Testimony on Original Bill:** PRO: We met with victim advocates when we were notified that further reductions would need to be made to this program. The reductions identified in this bill are the result of this meeting. The reorganization of the statutes allows us to cut back on administrative staff to avoid making further reductions to benefits. When current reductions sunset in 2015, we anticipate a \$7 to \$14 million shortfall in this program. The crime victims account is not receiving sufficient money to support this program.

OTHER: We do not oppose the bill, but it's difficult to say that we support another round of reductions in the CVCP. We understand the fiscal circumstances, and reluctantly believe the steps in this bill need to be taken. We prefer this bill to the department request legislation. Crime victim compensation is designed to bring victims to a state of wholeness. We would like to see these reductions sunset so they may be restored when the fiscal situation improves. We want any subpoenas that are issued for victims to be issued in the county where the victim resides.

**Persons Testifying:** PRO: Carole Washburn, L&I.

OTHER: Lonnie Johns-Brown, Washington Coalition of Sexual Assault Programs; Karla Salp, Washington Coalition of Crime Victim Advocates.

**House Amendment(s):** Non-medical benefits are limited to \$40,000 out of the \$50,000 cap on benefits per injury or death. Colposcopy exams are excluded from the \$50,000 benefit cap. When the benefit cap increases to \$150,000 in 2015, exceptions to the cap for necessary medical benefits are disallowed. Other technical amendments and clarification of terms are made.