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## Public Safety Committee

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### 2SSB 6181

**Brief Description:** Concerning crime victims' compensation.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Padden, Pedersen, O'Ban, Warnick and Kuderer).

#### Brief Summary of Second Substitute Bill

- Extends the period during which a crime victim or beneficiary may apply for benefits through the Crime Victim Compensation Program (CVCP) from two years to three years after the date the crime was reported to law enforcement.
- Authorizes a legal guardian or custodian of a minor victim to receive lost wage benefits through the CVCP for time spent accompanying the minor to medical or counseling services or criminal justice proceedings related to the crime.
- Prohibits a legal guardian or custodian of a minor victim from receiving payments through the CVCP if the legal guardian or custodian's deliberate actions or felony conduct caused the minor's injuries.

**Hearing Date:** 2/24/20

**Staff:** Kelly Leonard (786-7147).

#### Background:

The Crime Victims' Compensation Program (CVCP), within the Department of Labor and Industries (L&I) provides benefits to innocent victims of criminal acts. This includes, for example, medical treatment, mental health treatment, lost wage replacement, and burial costs. Benefits under the program are secondary to services available from any other public or private insurance, meaning the CVCP is the payer of last resort.

*Beneficiaries.* Generally, victims injured by a criminal act in Washington or their beneficiaries are eligible to receive certain benefits under the CVCP. Beneficiaries includes a victim's

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surviving spouses and children. In the case of a minor victim, the legal guardian or custodian of the minor may receive payments for the minor's benefits.

*Claim period.* In order to obtain benefits, the criminal act must be reported to law enforcement and a victim (or his or her beneficiaries) must file an application with the CVCP. The crime must be reported within one year, with some exceptions, and an application for benefits must be made within two years of the crime being reported to law enforcement. However, if L&I determines there is good cause, it may extend the application period for up to five years. Certain time restrictions are also extended for minor victims as well as victims whose perpetrators are civilly committed as sexually violent predators.

*Lost wages.* The CVCP pays for a portion of a victim's lost wages if a temporary or permanent total disability or death results from the crime. In order to qualify for lost wages, the victim must have been gainfully employed at the time of the crime or otherwise have been gainfully employed for 12 months in the six months preceding the date of the crime.

*Restrictions.* Certain restrictions may prohibit persons from accessing any benefits through the CVCP. For example, if the injury or death to a victim is a result of the victim's beneficiary's deliberate actions or felony conduct, the beneficiary may not receive any payments through the CVCP.

#### **Summary of Bill:**

*Claim period.* The period during which a crime victim may apply for benefits through the CVCP is extended from two years to three years after the date the crime was reported to law enforcement.

*Lost wages of legal guardian or custodians.* The legal guardian or custodian of a minor victim may receive up to 30 days of lost wages through the CVCP if he or she has lost wages due to time spent accompanying the minor to medical or counseling services or criminal justice proceedings. The calculation of lost wages must be based on employer wage statements, employment security records, or documents reported to and certified by the Internal Revenue Service.

*Restrictions.* If injury or death to the minor victim is a result of the legal guardian or custodian's deliberate actions or felony conduct, the legal guardian or custodian may not receive any payments through the CVCP.

**Appropriation:** None.

**Fiscal Note:** Requested on February 16, 2020.

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