

SENATE BILL REPORT

SB 6200

As of January 22, 2020

Title: An act relating to crime victims' compensation.

Brief Description: Concerning crime victims' compensation.

Sponsors: Senators Braun and Rolfes.

Brief History:

Committee Activity: Law & Justice: 1/21/20.

Brief Summary of Bill

- Extends the time for which a crime victim may apply for benefits from two years to three years after the date the crime was reported to law enforcement.
- Allows reimbursement for the lost wages of a legal guardian or custodian of a minor victim, if the legal guardian or custodian is unable to work when caring for the minor victim.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Shani Bauer (786-7468)

Background: The Crime Victims Compensation Program (CVCP), within the Department of Labor and Industries (L&I), provides benefits to innocent victims of criminal acts. Persons injured by a criminal act in Washington, or their surviving spouses and dependents, are eligible to receive certain benefits under the CVCP. This includes, for example, medical treatment, mental health treatment, lost wage replacement, and burial costs. When the victim of a crime is a child, the legal guardian or custodian of the child may receive payments for expenses incurred for the child. 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.

To receive benefits, an application must be received by L&I within two years after the date the criminal act was reported to law enforcement, unless the director of CVCP determines good cause exists to expand the time permitted to receive the application. Good cause is

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determined on a case by case basis and may be extended up to five years after the date the act was reported.

CVCP pays for a portion of a victim's lost wages if a temporary or permanent total disability or death results from the crime. If the victim was not gainfully employed at the time of the criminal act, no financial support for lost wages will be paid to the victim or any beneficiaries. To be gainfully employed, the victim must have been engaging in a regular and continuous basis in a lawful activity from which a person derives a livelihood. If the victim is voluntarily retired and is no longer attached to the workforce, the victim is not eligible for lost wage benefits. No provision is made for lost wages incurred by a spouse or legal guardian of the victim. During a period of temporary disability, the victim may receive 60 percent of the victim's average monthly wage, with a minimum monthly payment of \$500. When a victim has suffered a permanent total disability, the victim may receive monthly payments up to a total of \$40,000.

Funding for the CVCP comes from the state general fund, funds collected from inmate phone fees, and a grant from the U.S. Department of Justice, which reimburses 60 percent of net payments from state funds. Further, monies may be collected from inmate wages or payments for restitution in excess of actual damages to a victim as reimbursement to the program.

Summary of Bill: To receive benefits, an application must be received by L&I within three years after the date the criminal act was reported to law enforcement, instead of two years.

If the victim of a crime is a minor, the minor may receive financial support for the cost of care if the minor victim's injuries result in a legal guardian or custodian's lost wages to care for the minor victim. Benefits paid for a legal custodian or guardian's lost wages are subject to the same limitations as those paid for a victim's lost wages.

Appropriation: None.

Fiscal Note: Requested on January 13, 2020.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: Over the interim I worked with Ways & Means staff to conduct a deep dive into the CVCP to see if we were doing all that we could do for victims in this state. I found the program covers 100 percent of its claims, but also brought to light a couple concerns. First, a third of the denials are due to the time limit running out for the person to file. Anecdotal evidence suggests it is because the program is a payment of last resort. By the time a person gets through process of acceptance and denial of insurance, their time period to file for CVCP benefits has run. It therefore seems reasonable to extend the time limit if there are victims that truly need those benefits. Second, about a third of victims are minors. If a parent has to care for a minor victim, this is also a harm to the family and it would be reasonable to allow that cost to be covered.

Persons Testifying: PRO: Senator John Braun, Prime Sponsor.

Persons Signed In To Testify But Not Testifying: No one.