

# SENATE BILL REPORT

## SB 6428

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As Reported by Senate Committee On:  
Human Services, Reentry & Rehabilitation, February 5, 2020

**Title:** An act relating to providing funding for medical evaluations of suspected victims of child abuse.

**Brief Description:** Providing funding for medical evaluations of suspected victims of child abuse.

**Sponsors:** Senators Cleveland, Nguyen, Wilson, C., Das and Saldaña.

**Brief History:**

**Committee Activity:** Human Services, Reentry & Rehabilitation: 1/28/20, 2/05/20 [DPS-WM].

**Brief Summary of First Substitute Bill**

- Provides that a suspected victim of assault of a child is not required to pay for the examination of the assault.
- Directs the Crime Victim Compensation Program to pay for all costs incurred by a public or private hospital, or any other facility providing medical diagnosis, treatment or care, for the examination of a suspected victim of a felony assault of a child, subject to appropriation.

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### SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

**Majority Report:** That Substitute Senate Bill No. 6428 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland, O'Ban, Wilson, C. and Zeiger.

**Staff:** Alison Mendiola (786-7488)

**Background:** Crime Victim Compensation Program. The Department of Labor and Industries (L&I) administers the Crime Victim Compensation Program (Program). Individual victims are eligible for this Program if they sustain a bodily injury or severe emotional stress following a gross misdemeanor or felony crime, and meet additional

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requirements. The crime resulting in injury to a victim must be verified by L&I or be reasonably credible.

For eligible victims, the Program will help cover medical and dental expenses, or both, wage replacement, prescription expenses, mental health treatment, and some death benefits. Benefits under the program are secondary to services available from any other public or private insurance.

When a sexual assault examination is performed for the purpose of gathering evidence for possible prosecution, the costs of the examination must be billed to the Program. The client is not required to file an application with L&I to receive the benefit, and may not be billed for those costs. If the examination includes treatment costs or follow-up treatment, an application for benefits must be filed with L&I for those services to be considered for payment.

Assault of a Child. A person 18 years of age or older is guilty of the crime of assault of a child in the first degree if the child is under the age of 13 and the person commits the crime against the child or intentionally assaults the child, either (1) recklessly inflicts great bodily harm or (2) causes substantial bodily harm, and the person has previously been engaged in a pattern or practice of assaulting the child, resulting in greater-than-transient pain or minor temporary marks, or causing physical pain or agony that is equivalent to torture. Assault of a child in the first degree is a class A felony.

A person 18 years of age or older is guilty of the crime of Assault of a Child in the second degree if the child is under the age of 13 and the person commits the crime against the child or intentionally assaults the child, causing bodily harm resulting in greater-than-transient physical pain or minor temporary marks, and the person has previously been engaged in a pattern of assaulting the child, resulting in greater-than-transient pain or minor temporary marks, or causing the child physical pain that is equivalent to torture. Assault of a child in the second degree is a class B felony.

A person 18 years of age or older is guilty of the crime of Assault of a Child in the third degree if the child is under the age of 13 and the person commits the crime by causing bodily harm with criminal negligence (1) by means of a weapon or instrument with criminal negligence or (2) accompanied by substantial pain that extends for a period sufficient to cause considerable suffering. Assault of a child in the third degree is a class C felony.

Medical Evaluations. In 2015, the Legislature passed SSB 5897 to provide funding for medical evaluations of suspected child victims of physical abuse. This law expired on June 30, 2019 and was not subsequently funded.

**Summary of Bill (First Substitute):** A suspected victim of assault of a child is not required to pay for any costs incurred by a public or private hospital, or any other facility providing medical diagnosis, treatment or care, for the examination of the assault. Subject to the availability of amounts appropriated for this specific purpose, the Program will pay for all costs incurred by a public or private hospital, or any other facility providing medical diagnosis, treatment or care, for the examination of a suspected victim of a felony assault of a child.

By November 1, 2020, and annually thereafter, the Program will submit a report to the Legislature and Governor with the following information:

- the number of requests to pay for physical assault exams;
- how many of these requests are approved and denied, including the reasons for denial; and
- any other information the Program believes is beneficial.

**EFFECT OF CHANGES MADE BY HUMAN SERVICES, REENTRY & REHABILITATION COMMITTEE (First Substitute):**

- Clarifies that the Crime Victim Compensation Fund is to report on a number of items including the number of requests to pay for physical abuse exams.

**Appropriation:** None.

**Fiscal Note:** Requested on January 23, 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 on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: In 2015, we worked hard to make sure that these exams were paid for. That legislation expired last year. We want to reenact that law with a few changes. The Crime Victims Compensation Fund was established in 1974 to pay for costs associated with being a victim of a crime. This should also apply to children who are victim of a crime whether the abuse was physical or sexual. The most serious abuse occurs with young, pre-verbal children. Costs are not reimbursed, they are paid for by providers or families. Some families can not afford the cost. Appreciate the removal of the old language requiring that a dependency has to be filed for the exams to be paid. Over \$467,000 was paid yet only \$189,000 was reimbursed, so data will be helpful in understanding what is happening and why the claims aren't be paid.

**Persons Testifying:** PRO: Senator Annette Cleveland, Prime Sponsor; Paula Reed, Children's Advocacy Centers of Washington; Lisa Lyons, PhD, Manager, Legacy Salmon Creek Child Abuse Assessment Team.

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