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**SUBSTITUTE SENATE BILL 6181**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Padden, Pedersen, O'Ban, Warnick, and Kuderer)

READ FIRST TIME 01/17/20.

1 AN ACT Relating to compensation for legal guardians and  
2 custodians of minor victims of crime; and amending RCW 7.68.061 and  
3 7.68.070.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 7.68.061 and 2011 c 346 s 305 are each amended to  
6 read as follows:

7 If injury or death results to a victim from the deliberate  
8 intention of the victim himself or herself to produce such injury or  
9 death, or while the victim is engaged in the attempt to commit, or  
10 the commission of, a felony, neither the victim nor the widow,  
11 widower, child, or dependent of the victim shall receive any payment  
12 under this chapter.

13 If injury or death results to a victim from the deliberate  
14 intention of a beneficiary of that victim to produce the injury or  
15 death, or if injury or death results to a victim as a consequence of  
16 a beneficiary of that victim engaging in the attempt to commit, or  
17 the commission of, a felony, the beneficiary shall not receive any  
18 payment under this chapter.

19 If injury or death results to a minor victim from the deliberate  
20 intention of a legal guardian or custodian of the minor victim to  
21 produce the injury or death, or if injury or death results to a minor

1 victim as a consequence of a legal guardian or custodian of the minor  
2 victim engaging in an attempt to commit, or the commission of, a  
3 felony, the legal guardian or custodian shall not receive any payment  
4 under this chapter.

5 An invalid child, while being supported and cared for in a state  
6 institution, shall not receive compensation under this chapter.

7 No payment shall be made to or for a natural child of a deceased  
8 victim and, at the same time, as the stepchild of a deceased victim.

9 **Sec. 2.** RCW 7.68.070 and 2017 c 235 s 5 are each amended to read  
10 as follows:

11 The eligibility for benefits under this chapter and the amount  
12 thereof will be governed insofar as is applicable by the provisions  
13 contained in this chapter.

14 (1) Each victim injured as a result of a criminal act, including  
15 criminal acts committed between July 1, 1981, and January 1, 1983, or  
16 the victim's family or beneficiary in case of death of the victim,  
17 are eligible for benefits in accordance with this chapter, subject to  
18 the limitations under RCW 7.68.015. Except for medical benefits  
19 authorized under RCW 7.68.080, no more than forty thousand dollars  
20 shall be granted as a result of a single injury or death.

21 (a) Benefits payable for temporary total disability that results  
22 in financial support for lost wages shall not exceed fifteen thousand  
23 dollars.

24 (b) Benefits payable for a permanent total disability or fatality  
25 that results in financial support for lost wages shall not exceed  
26 forty thousand dollars. After at least twelve monthly payments have  
27 been paid, the department shall have the sole discretion to make a  
28 final lump sum payment of the balance remaining.

29 (2) If the victim was not gainfully employed at the time of the  
30 criminal act, no financial support for lost wages will be paid to the  
31 victim or any beneficiaries, unless the victim was gainfully employed  
32 for a total of at least twelve weeks in the six months preceding the  
33 date of the criminal act.

34 (3) No victim or beneficiary shall receive compensation for or  
35 during the day on which the injury was received.

36 (4) If a victim's employer continues to pay the victim's wages  
37 that he or she was earning at the time of the crime, the victim shall  
38 not receive any financial support for lost wages.

1 (5) When the director determines that a temporary total  
2 disability results in a loss of wages, the victim shall receive  
3 monthly subject to subsection (1) of this section, during the period  
4 of disability, sixty percent of the victim's monthly wage but no more  
5 than one hundred percent of the state's average monthly wage as  
6 defined in RCW 7.68.020. The minimum monthly payment shall be no less  
7 than five hundred dollars. Monthly wages shall be based upon employer  
8 wage statements, employment security records, or documents reported  
9 to and certified by the internal revenue service. Monthly wages must  
10 be determined using the actual documented monthly wage or averaging  
11 the total wages earned for up to twelve successive calendar months  
12 preceding the injury. In cases where the victim's wages and hours are  
13 fixed, they shall be determined by multiplying the daily wage the  
14 victim was receiving at the time of the injury:

15 (a) By five, if the victim was normally employed one day a week;

16 (b) By nine, if the victim was normally employed two days a week;

17 (c) By thirteen, if the victim was normally employed three days a  
18 week;

19 (d) By eighteen, if the victim was normally employed four days a  
20 week;

21 (e) By twenty-two, if the victim was normally employed five days  
22 a week;

23 (f) By twenty-six, if the victim was normally employed six days a  
24 week; or

25 (g) By thirty, if the victim was normally employed seven days a  
26 week.

27 (6) When the director determines that a permanent total  
28 disability or death results in a loss of wages, the victim or  
29 eligible spouse shall receive the monthly payments established in  
30 this subsection, not to exceed forty thousand dollars or the limits  
31 established in this chapter.

32 (7) (a) The legal guardian or custodian of a minor victim shall  
33 receive up to thirty days of the legal guardian's or custodian's lost  
34 wages if the director determines that the legal guardian or custodian  
35 has lost wages due to any one or more of the following:

36 (i) The time where the legal guardian or custodian of a minor  
37 victim accompanies the minor victim to medical or counseling services  
38 related to the crime; or

1 (ii) The time where the legal guardian or custodian of a minor  
2 victim accompanies the minor victim to criminal justice proceedings  
3 related to the crime.

4 (b) Wages under this subsection shall be based on employer wage  
5 statements, employment security records, or documents reported to and  
6 certified by the internal revenue service.

7 (8) If the director determines that the victim is voluntarily  
8 retired and is no longer attached to the workforce, benefits shall  
9 not be paid under this section.

10 ~~((+8))~~ (9) In the case of death, if there is no eligible spouse,  
11 benefits shall be paid to the child or children of the deceased  
12 victim. If there is no spouse or children, no payments shall be made  
13 under this section. If the spouse remarries before this benefit is  
14 paid in full benefits shall be paid to the victim's child or children  
15 and the spouse shall not receive further payment. If there is no  
16 child or children no further payments will be made.

17 ~~((+9))~~ (10) The benefits for disposition of remains or burial  
18 expenses shall not exceed six thousand one hundred seventy dollars  
19 per claim. Beginning July 1, 2020, the department shall adjust the  
20 amount in this subsection ((+9)) (10) for inflation every three  
21 years based upon changes in the consumer price index during that time  
22 period. To receive reimbursement for expenses related to the  
23 disposition of remains or burial, the department must receive an  
24 itemized statement from a provider of services within twenty-four  
25 months of the date of the claim allowance. If there is a delay in the  
26 recovery of remains or the release of remains for disposition or  
27 burial, an itemized statement from a provider of services must be  
28 received within twenty-four months of the date of the release of the  
29 remains or of the date of the claim allowance, whichever is later.

30 ~~((+10))~~ (11) Any person who is responsible for the victim's  
31 injuries, or who would otherwise be unjustly enriched as a result of  
32 the victim's injuries, shall not be a beneficiary under this chapter.

33 ~~((+11))~~ (12) Crime victims' compensation is not available to pay  
34 for services covered under chapter 74.09 RCW or Title XIX of the  
35 federal social security act.

36 ~~((+12))~~ (13) A victim whose crime occurred in another state who  
37 qualifies for benefits under RCW 7.68.060(6) may receive appropriate  
38 mental health counseling to address distress arising from  
39 participation in the civil commitment proceedings. Fees for

1 counseling shall be determined by the department in accordance with  
2 RCW 51.04.030, subject to the limitations of RCW 7.68.080.

3 ~~((13))~~ (14) If the provisions of this title relative to  
4 compensation for injuries to or death of victims become invalid  
5 because of any adjudication, or are repealed, the period intervening  
6 between the occurrence of an injury or death, not previously  
7 compensated for under this title by lump payment or completed monthly  
8 payments, and such repeal or the rendition of the final adjudication  
9 of invalidity shall not be computed as a part of the time limited by  
10 law for the commencement of any action relating to such injury or  
11 death.

12 ~~((14))~~ (15) The benefits established in RCW 51.32.080 for  
13 permanent partial disability will not be provided to any crime victim  
14 or for any claim submitted on or after July 1, 2011.

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