

# SENATE BILL REPORT

## SB 5183

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As of January 20, 2021

**Title:** An act relating to victims of nonfatal strangulation.

**Brief Description:** Concerning victims of nonfatal strangulation.

**Sponsors:** Senators Nobles, Dhingra, Das, Hasegawa, Hunt, Keiser, Kuderer, Lias, Mullet, Nguyen, Rivers, Salomon, Stanford, Wagoner and Wilson, C..

**Brief History:**

**Committee Activity:** Human Services, Reentry & Rehabilitation: 1/21/21.

### Brief Summary of Bill

- Directs the Office of Crime Victims Advocacy (OCVA) to develop practices for local communities to increase access to forensic nurse examiner services in nonfatal strangulation assaults, and to publish those best practices to its website by January 1, 2022.
- Directs OCVA to develop strategies to make forensic nurse examiner training available throughout the state without causing unreasonable travel or expenses for nurses, and report those strategies to the Governor and Legislature by January 1, 2022.
- Authorizes the Crime Victims Compensation Program to pay for forensic examination of domestic violence victims of nonfatal strangulation and prohibits charging the victim for the examination.

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

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

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Background:** Non-fatal Strangulation. Strangulation involves external compression of the victim's airway and blood vessels, causing reduced air and blood flow to the brain. Victims may show no or minimal external signs of injury despite having life-threatening internal injuries including traumatic brain injury. Injuries may present after the assault or much later and may persist for months and even years post-assault. Victims who are strangled multiple times face a greater risk of traumatic brain injury. Traumatic brain injury symptoms are often not recognized as assault-related and may include cognitive difficulties such as decreased ability to concentrate, make decisions, and solve problems. Traumatic brain injury symptoms may also include behavior and personality changes such as irritability, impulsivity, and mood swings.

Strangulation or suffocation are often associated with sexual assault and domestic violence and are second-degree assaults and Class B felonies. Class B felonies carry a maximum sentence of ten years in prison, a \$20,000 fine, or both.

The Office of Crime Victims Advocacy. Established in 1990, the Office of Crime Victims Advocacy (OCVA) assists crime victims in Washington State by:

- advocating on behalf of victims obtaining needed services and resources;
- administering grant funds for community programs working with crime victims;
- assisting communities in planning and implementing services for crime victims; and
- advising local and state government agencies of practices, policies, and priorities that impact crime victims.

Crime Victims Compensation Fund. The Crime Victims Compensation Fund was created to help victims with the many costs associated with violent crime. The program provides financial compensation to crime victims for such expenses as medical bills, loss of financial support, and funeral expenses. The fund may assist those who:

- have a bodily injury or severe emotional stress from a crime and that crime is a gross misdemeanor or felony;
- filed a report with law enforcement within one year of the date the crime occurred or within one year of when it reasonably could have been reported;
- provide reasonable cooperation with law enforcement including helping to investigate and prosecute the offender; or
- apply for benefits within two years of the crime being reported to law enforcement or, for good cause, within five years.

Crime victims compensation may cover medical/dental benefits, lost wages, medication coverage, mental health treatment, grief counseling and funeral expenses. Exams for victims of sexual assault are covered when the exam is performed for gathering evidence for possible prosecution. The victim is not billed or charged directly or indirectly for the exam, as the exam is covered by the Crime Victims Compensation Fund. The fund does not cover costs of a forensic nurse examination related to nonfatal strangulation unless it is part of a sexual assault evaluation.

**Summary of Bill:** The Office of Crime Victims Advocacy. OCVA is to develop best practices that local communities may voluntarily use to create more access to forensic nurse examiners in cases of nonfatal strangulation assault. When developing the best practices, OCVA is to consult with: the Washington Association of Sheriffs and Police Chiefs; the Washington Association of Prosecuting Attorneys; the Washington State Coalition Against Domestic Violence; the Harborview Center for Sexual Assault and Traumatic Stress; the Washington State Hospital Association; the Washington State Association of Counties; the Association of Washington Cities; the Washington Coalition of Sexual Assault programs; the Schools of Nursing at Washington State University and the University of Washington; and other organizations deemed appropriate by OCVA.

OCVA is to finish developing the best practices no later than January 1, 2022 and publish them on its website.

OCVA is to develop strategies to make forensic nurse examiner training available to nurses in all regions of the state without requiring nurses to travel unreasonable distances or incur unreasonable charges. When developing these strategies, OCVA is to consult with: the Harborview Center for Sexual Assault and Traumatic Stress; the Department of Health; the Nursing Care Quality Assurance Commission; the Washington State Hospital Association; the Washington State Nurses Association; forensic nurse practitioners; and other organizations deemed appropriate by OCVA. OCVA is to report the strategies to the Governor and appropriate committees of the Legislature by January 1, 2022.

Crime Victims Compensation Program. The program is authorized to pay forensic examination costs for a domestic violence victim of a nonfatal strangulation assault incurred by a hospital or other emergency medical facility. The examination costs are not to be charged, directly or indirectly, to the victim.

**Appropriation:** None.

**Fiscal Note:** Requested on January 13, 2021.

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

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