

FINAL BILL REPORT

2SSB 5183

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Synopsis as Enacted

Brief Description: Concerning victims of nonfatal strangulation.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Nobles, Dhingra, Das, Hasegawa, Hunt, Keiser, Kuderer, Liias, Mullet, Nguyen, Rivers, Salomon, Stanford, Wagoner and Wilson, C.).

Senate Committee on Human Services, Reentry & Rehabilitation
Senate Committee on Ways & Means
House Committee on Public Safety
House Committee on Appropriations

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

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- advising local and state government agencies of practices, policies, and priorities that impact crime victims.

Crime Victims Compensation Program. The Crime Victims Compensation Program 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 and dental benefits, lost wages, medication coverage, mental health treatment, grief counseling and funeral expenses. To qualify for benefits a person must have:

- sustained a physical injury or mental health trauma as a result of a gross misdemeanor or felony crime in Washington State;
- reported the crime to law enforcement and cooperated with the investigation;
- filed a report with law enforcement within one year from the date of the crime or within one year from when it reasonably could have been reported;
- submitted a timely application;
- submitted an application for benefits within two years of the crime being reported to law enforcement—or, up to five years from the police report in certain circumstances; and for minors, at the time of the crime, the application must be filed within two years of their 18th birthday.

The program covers costs of a forensic nurse examination related to nonfatal strangulation when it is part of a sexual assault or if a victim applies for program benefits. 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 Program.

Summary: 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; a collective bargaining representative of frontline nurses, 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 and without requiring medical facilities or the nurses to incur unreasonable expenses. Among other important factors deemed relevant and appropriate by the OCVA, the strategies should take into account the unique challenges faced by medical facilities and nurses operating in rural areas. When developing these strategies, OCVA is to consult with the Harborview Abuse and Trauma Center; the Department of Health; the Nursing Care Quality Assurance Commission; the Washington State Hospital Association; the Washington State Nurses Association; the schools of nursing at Washington State University and the University of Washington, 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 October 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, without the victim having to apply for services through the program, until June 30, 2023. The examination costs are not to be charged, directly or indirectly, to the victim.

The Department of Labor and Industries is required to report to the Legislature regarding the number, type, and amount of claims related to nonfatal strangulation exams, including the number that involved police reports, and the number that involved sexual assault exams.

Sections 2 and 3 of this act expire June 30, 2023.

Votes on Final Passage:

Senate	49	0	
House	98	0	(House amended)
Senate	49	0	(Senate concurred)

Effective: July 25, 2021