

# SENATE BILL REPORT

## SB 5245

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As of January 26, 2021

**Title:** An act relating to the safety of crime victims.

**Brief Description:** Concerning the safety of crime victims.

**Sponsors:** Senators Brown, Wilson, L., Rolfes and Wagoner.

**Brief History:**

**Committee Activity:** Human Services, Reentry & Rehabilitation: 1/26/21.

**Brief Summary of Bill**

- Adds certain crimes to the list of offenses eligible for notification by the Department of Corrections.
- Authorizes the Crime Victims Compensation Program to reimburse expenses for private security services for certain individuals under certain circumstances.

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

**Staff:** Kelsey-anne Fung (786-7479)

**Background:** Victim and Witness Notification Program. The Washington State Department of Corrections (DOC) must send written notice of parole, release, community custody, work release placement, furlough, or escape to certain persons. Except for escape and emergency furloughs, such notice must be provided at least 30 days in advance. This notice requirement applies to incarcerated individuals convicted of a violent offense, a sex offense, a domestic violence court order violation, or felony harassment. The list of persons to whom the notice must be sent includes:

- the chief of police of the city in which the incarcerated individual will reside or be placed in work release;

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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.*

- the sheriff of the county in which the incarcerated individual will reside or be placed in work release;
- the sheriff of the county where the incarcerated individual was convicted, if DOC does not know where the person will reside;
- the State Patrol, only if the incarcerated individual is a sex offender; and
- if notice has been requested in writing, to:
  1. any victim or next of kin if the crime is a homicide;
  2. any witness who testified against the incarcerated individual in any court proceedings involving a violent offense;
  3. any person specified in writing by the prosecuting attorney; and
  4. any person who has requested notice, at least 60 days prior to release, about a sex offender.

Information regarding victims, next of kin, witnesses, or person specified by the prosecuting attorney and the notice itself are confidential. Whenever DOC mails notice and the notice is returned as undeliverable, DOC must attempt alternative methods of notification, including a telephone call to the person's last known telephone number. DOC must also provide immediate notification if there has been an escape, and notification if the person has been recaptured.

Victims Council. Through DOC internal policy, DOC maintains a victims council to address issues relevant to protecting the safety of victims and survivors. The council meets quarterly and, by majority vote of its members, makes recommendations to the DOC secretary on existing or proposed programs and practices as they affect crime victims and proposes changes to statutes, administrative rules, or DOC policy. The council consists of one victim or survivor not representing an agency or organization, and representatives from community, state, and local agencies and organizations that support the broad needs of victims and survivors, represent different crime categories, and represent diverse ethnic backgrounds and broad geographic areas, both rural and urban. DOC victim services program employees provide support staff for the council.

Crime Victims Compensation Program. The Department of Labor and Industries administers the crime victims compensation program, which was created in 1989 to help victims with the many costs associated with violent crime. The program provides financial compensation to crime victims for expenses such as medical bills, loss of financial support, and funeral expenses. Crime victims compensation may cover medical or dental benefits or both, lost wages, medication coverage, mental health treatment, grief counseling 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.

**Summary of Bill:** DOC's victim and witness notification program is expanded to include notification regarding incarcerated individuals convicted of domestic violence, assault in the third degree, unlawful imprisonment, vehicular homicide by disregard for the safety of others, or controlled substance homicide.

A victim of a violent or serious violent offense is eligible to receive reimbursement from the crime victims compensation program for private security services to attend court proceedings when:

- the victim attests the alleged offender poses a substantial risk to their personal safety or the safety of their child;
- the offender is subject to a protection order; and
- the victim is at or below 80 percent of area median income.

**Appropriation:** None.

**Fiscal Note:** Available.

**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: The victim notification piece of this bill is common sense reform, and a simply tweak to DOC notification procedures. The second piece is creating a process to protect those victims who are at extreme risk and extreme poverty, who may be afraid to go to court to testify, even with a protection order. A protection order is just a piece of paper and does not protect victims.

OTHER: This bill expands crimes eligible for DOC notification to victims and witnesses. Adding controlled substance homicide and vehicular homicide will create consistency so all the homicides are eligible for notification. Adding domestic violence offenses recognizes that these crimes carry the greatest risk of recidivism and often are the result of a long history of abuse. Adding assault in the third degree and unlawful imprisonment ensures that the actual behavior and impact on victims is reflected in notification requirements even when more serious offenses have been pled down. These expansions are necessary to ensure victims feel safe and have adequate time to pursue protection orders and other safety precautions.

**Persons Testifying:** PRO: Senator Sharon Brown, Prime Sponsor.

OTHER: Sheila Lewallen, Washington State Department of Corrections.

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