

FINAL BILL REPORT

SSB 5814

C 171 L 22
Synopsis as Enacted

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

Sponsors: Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Senators Cleveland, Dhingra, Keiser, Lovelett, Lovick and Wilson, C.).

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

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 the Program if they sustain a bodily injury or severe emotional stress following a gross misdemeanor or felony crime, and meet additional 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 or 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 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

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against the child or intentionally assaults the child; either recklessly inflicts great bodily harm or 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 by means of a weapon or instrument with criminal negligence; or 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: 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, L&I 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 assault of a child, provided that the cost of the examination would not otherwise be covered by L&I.

By November 1, 2023, and annually thereafter, L&I will submit a report to the Legislature and Governor with the following information:

- the number of requests to pay for physical abuse exams for child victims of assault;
- how many of these requests were approved and denied, including the reasons for denial;
- how many of the exams were covered for another reason; and
- any other information L&I believes is beneficial.

Votes on Final Passage:

Senate	49	0
House	98	0

Effective: June 9, 2022