
**Public Safety & Emergency Preparedness
Committee**

HB 1221

Brief Description: Concerning counseling for witnesses in civil commitment proceedings under chapter 71.09 RCW.

Sponsors: Representatives Maxwell, Hurst, O'Brien, Rodne, Hope, Pedersen, Smith, McCoy, Bailey, Williams, Kirby and Dickerson; by request of Attorney General.

Brief Summary of Bill

- Allows the victim of a sex offense, whether a resident or non-resident of the state, to receive funds for counseling related to participation in proceedings to civilly commit the perpetrator.
- Requires an application for benefits to be filed by the victim within two years of receiving notice of the proceedings, or within five years if good cause for an extension is established.

Hearing Date: 1/27/09

Staff: Lara Zarowsky (786-7123)

Background:

The Washington Crime Victims' Compensation Program (Program) administered by the Department of Labor and Industries (L&I) provides benefits to innocent victims of criminal acts. Generally, persons injured by a criminal act in Washington, or their surviving spouses and dependents, are eligible to receive benefits (medical treatment and lost wages) under the Program provided that:

- the criminal act for which compensation is being sought is punishable as a gross misdemeanor or felony;
- the crime was reported to law enforcement within one year of its occurrence or within one year from the time a report could reasonably have been made; and

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- the application for crime victims' benefits is made within two years after the crime was reported to law enforcement or the rights of the beneficiaries or dependents accrued.

Criminal act is defined as: (1) an act committed or attempted in Washington, which is punishable as a felony or gross misdemeanor under the laws of Washington; (2) an act committed outside Washington against a resident of Washington which would be compensable had it occurred inside the state, and the crime occurred in a state which does not have a Program; or (3) an act of terrorism.

Victims of sexual assault are entitled to receive benefits in the form of appropriate counseling services. Under certain circumstances, counseling services may also be provided for members of the victim's immediate family other than the perpetrator of the assault.

A right to benefits is available to the victim of a person against whom the state initiates civil commitment proceedings. The right to benefits accrues when the victim is notified of the civil commitment proceedings, or the victim is interviewed, deposed, or testifies as a witness in connection with the proceedings. Benefits are limited to compensation for costs or losses incurred on or after the date the right to benefits accrues. The victim must file an application for benefits within two years of the accrual, unless the Director of L&I (Director) determines that good cause exists to expand the time to receive the application.

Summary of Bill:

Benefits under the Program are available to victims of a perpetrator against whom the state initiates civil commitment proceedings, whether or not the victim is a resident of the State of Washington.

A victim that has been notified, interviewed, deposed, or has testified in the civil commitment proceeding of the perpetrator may receive funds for appropriate counseling to address distress arising from participation in the proceedings.

An application for benefits must be filed within two years after the right to benefits accrued, unless the Director determines that good cause exists to expand the time to receive the application up to five years.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.