

HOUSE BILL REPORT

SB 5070

As Reported by House Committee On:
Community Safety, Justice, & Reentry

Title: An act relating to victims of nonfatal strangulation.

Brief Description: Concerning victims of nonfatal strangulation.

Sponsors: Senators Nobles, Dhingra, Frame, Hasegawa, Nguyen and Wilson, C..

Brief History:

Committee Activity:

Community Safety, Justice, & Reentry: 3/9/23, 3/16/23 [DP].

Brief Summary of Bill

- Strikes the June 30, 2023 expiration date for the Crime Victim's Compensation Program coverage of forensic examinations of nonfatal strangulation for victims of domestic violence.
- Removes the past requirement of the Department of Labor and Industries to report to the Legislature by October 1, 2022 regarding nonfatal strangulation examinations.

HOUSE COMMITTEE ON COMMUNITY SAFETY, JUSTICE, & REENTRY

Majority Report: Do pass. Signed by 9 members: Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis, Farivar, Fosse, Graham and Ramos.

Staff: Lena Langer (786-7192).

Background:

Strangulation.

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.

Strangulation means to compress a person's neck, thereby obstructing the person's blood flow or ability to breathe, or doing so with the intent to obstruct the person's blood flow or ability to breathe. Assaulting a person by strangulation constitutes Assault in the second degree, which is a class B felony. Depending on the circumstances, nonfatal strangulation may constitute attempted Murder in the first or second degree, both of which are class A felonies.

The term "domestic violence" generally refers to a crime committed by one family or household member against another, or by one intimate partner against another. There is no separate crime of domestic violence. Instead, prosecuting attorneys and courts rely on standard criminal offenses and supplement them with special procedures and penalties in cases involving domestic violence. Additional conditions may be imposed upon a person who commits domestic violence, including those pertaining to confinement and supervision, treatment, no-contact orders, and firearms.

Crime Victims' Compensation Program.

The Crime Victims' Compensation Program (CVCP), within the Department of Labor and Industries (L&I), assists victims with costs associated with violent crimes. This includes, for example, medical treatment, mental health treatment, lost wage replacement, 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;
- reported the crime to law enforcement within one year from the date of the crime or within one year from when it reasonably could have been reported; and
- applied for benefits within two years of the crime being reported to law enforcement, or within five years in certain circumstances.

Benefits under the program are secondary to services available from any other public or private insurance, meaning the CVCP is the payer of last resort. However, the CVCP is required to pay for sexual assault forensic examinations without application. Prior to 2021 the program could cover the costs of a forensic nurse examination for a domestic violence victim of a nonfatal strangulation assault that did not involve sexual assault only if the victim applied for benefits and was accepted through the program.

In 2021 the Legislature added forensic exams for victims of domestic violence involving nonfatal strangulation to the benefits covered by the CVCP. These exams are conducted at no cost to victims and cannot be billed to their insurance providers. Instead, the CVCP directly reimburses medical facilities for these services. The qualifying criteria for obtaining benefits through the CVCP do not apply to these forensic exams. This expansion is set to expire on June 30, 2023. Additionally, in 2021 L&I was directed to report to the Legislature information regarding claims for forensic exams by victims of domestic violence involving nonfatal strangulation by October 1, 2022.

Nonfatal Strangulations in Washington State Report to the Legislature.

According to L&I's report to the Legislature, in fiscal year 2022, L&I received 77 claims for forensic examinations of nonfatal strangulation related to domestic violence. The Department of Labor and Industries paid for 64 of those claims, totaling \$74,113.

Summary of Bill:

The June 30, 2023, expiration date for the CVCP coverage of forensic exams of nonfatal strangulation for victims of domestic violence is stricken.

The requirement that L&I report to the Legislature by October 1, 2022, regarding nonfatal strangulation exams is removed.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect on June 30, 2023.

Staff Summary of Public Testimony:

(In support) The ability to access funds through the CVCP for forensic exams for nonfatal strangulation has helped survivors immensely. These forensic exams can cost up to \$1,400 and medical examinations are necessary to hold domestic violence perpetrators accountable. This bill ensures that survivors get the treatment and justice that they deserve. Nurses and prosecutors are trained on this program and inform the survivors so that they know that this resource is available.

Nonfatal strangulation is a horrific act of violence. Nonfatal strangulation is a significant predictor of intimate partner homicide. Nonfatal strangulation is often difficult to identify because it frequently does not leave any marks. It is important to have an individual who is trained and qualified to evaluate and assess the damage on a nonfatal strangulation victim. Providing the medical care upfront is a good policy.

(Opposed) None.

Persons Testifying: Senator T'wina Nobles, prime sponsor; and Russell Brown, Washington Association of Prosecuting Attorneys.

Persons Signed In To Testify But Not Testifying: None.