

CERTIFICATION OF ENROLLMENT

SENATE BILL 6243

54th Legislature
1996 Regular Session

Passed by the Senate March 4, 1996
YEAS 36 NAYS 7

President of the Senate

Passed by the House March 1, 1996
YEAS 78 NAYS 19

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6243** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 6243

AS AMENDED BY THE HOUSE

Passed Legislature - 1996 Regular Session

State of Washington

54th Legislature

1996 Regular Session

By Senators Goings, Hargrove, Rasmussen, Quigley, Bauer, Fraser, Drew, Smith, Wojahn, Franklin, Sheldon, Pelz, Snyder, Haugen, Heavey, Long, Oke, Wood and Johnson

Read first time 01/09/96. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to health care services for offenders sentenced to
2 death; adding a new section to chapter 72.10 RCW; and creating a new
3 section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds a fundamental
6 difference between providing certain health care services to inmates
7 who are under a sentence of death or whose death sentence is under
8 appellate review and providing such services to inmates who have been
9 sentenced to life or to a lesser term. The people of Washington state
10 should not be required to provide or pay for health care services not
11 otherwise constitutionally required for inmates who are under a
12 sentence of death or whose death sentence is under appellate review.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 72.10 RCW
14 to read as follows:

15 (1) For an inmate who is under a sentence of death or whose
16 death sentence is under appellate review, the department may provide
17 basic, non-emergency health care services, including administration of
18 medication necessary for pain relief or to prevent infection or

1 contagion, but shall not use any public funds to provide a life-saving
2 health care procedure. The department may, however, provide procedures
3 such as cardiopulmonary resuscitation, the Heimlich maneuver, and other
4 similar, basic emergency life-saving procedures.

5 (2) For purposes of this section, the term "life-saving health care
6 procedure" means a medical or surgical treatment or intervention to
7 sustain, restore, or replace a bodily function, where failure to
8 perform the treatment or intervention may result in the inmate's death.
9 This term includes, but is not limited to, open-heart surgery, organ
10 transplants, bone marrow transplants, and chemotherapy.

11 (3) The inmate shall be responsible for the costs of any health
12 care services obtained or provided unless the provision of the health
13 care service is otherwise required by law as determined to be binding
14 upon the state of Washington by a court of competent jurisdiction.
15 Under the authority granted under RCW 72.01.050(2), the secretary shall
16 direct the superintendent to collect the amount due directly from the
17 offender's institution account. If the balance of the account is
18 insufficient to meet the costs of the health care services provided,
19 the department may obtain a judgment and may obtain a lien on any real
20 property owned by the offender. The inmate shall be provided due
21 process to defend against the lien before the department may enforce
22 the judgment against any real property owned by the inmate.

23 NEW SECTION. **Sec. 3.** If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected.

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