

5188-S

Sponsor(s): Senate Committee on Human Services & Corrections
(originally sponsored by Senators Goings, Long, Hargrove, Zarelli,
Schow, Winsley and Rasmussen)

Brief Title: Revising policies concerning health care and
information about the health status of inmates.

SB 5188-S - DIGEST

(DIGEST AS PASSED LEGISLATURE)

Provides that, notwithstanding RCW 70.24.105(4) or RCW 70.02.050, the department of corrections or a local correctional facility shall without the inmate's authorization, upon request, disclose health care information that the department or facility obtained in its capacity as the inmate's health care provider relative to: (1) A person sentenced to death; or

(2) a medical condition used by an inmate in confinement as defined in RCW 9.9A.030 as a ground for an attempt to overturn a conviction, or to obtain release under a personal restraint petition or any other form of appeal including a request for pardon or clemency.

VETO MESSAGE ON SB 5188-S

May 19, 1997

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 5188 entitled:

"AN ACT Relating to offenders;"

Substitute Senate Bill No. 5188 would require the full disclosure of 1) the medical information of death row inmates to any person, at any time, for any reason; and 2) the medical information of inmates who use their health status in appeals and petitions for release. Any person would be able to obtain the medical records of these inmates without stating the purpose and intended use of the information.

I support the death penalty, and have sought the death penalty as a deputy prosecutor. I strongly support that portion of the legislation that requires the disclosure of an inmate's medical records, if the inmate raises his or her medical condition as part of a court proceeding. However, I strongly disagree with the requirement of this bill that all death row inmates' medical records be disclosed to anybody, at any time, for any reason. Medical information is very personal, and should be subject to disclosure only for compelling reasons.

Because of the way SSB 5188 was drafted, I have only the choice of vetoing or approving the entire bill. I have chosen to veto the bill, and hereby request the legislature to pass legislation next session that is less broad. The portion of the bill that would require disclosure of all death row inmates'

medical records stems primarily from the Mitchell Rupe case, where it was rumored that Mr. Rupe sought an organ transplant while on death row. This legislation attempts to address that situation, but goes too far.

If the legislature wants to allow greater disclosure of death row inmates' medical information under certain circumstances, it should pass legislation that is specific about the authorized recipients and the intended purpose that together establish a compelling public interest.

For these reasons, I have vetoed Substitute Senate Bill No. 5188 in its entirety.

Respectfully submitted,
Gary Locke
Governor