

SENATE BILL REPORT

SB 5549

As Reported By Senate Committee On:
Human Services & Corrections, February 18, 1999

Title: An act relating to extraordinary medical releases for offenders.

Brief Description: Authorizing the secretary of corrections to grant extraordinary medical releases to offenders when specified conditions are met.

Sponsors: Senators Kohl-Welles, Long and Hargrove; by request of Sentencing Guidelines Commission.

Brief History:

Committee Activity: Human Services & Corrections: 2/11/99, 2/18/99 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5549 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Staff: Aldo Melchiori (786-7439)

Background: The 1998 Legislature directed the Sentencing Guidelines Commission to study and report regarding the feasibility and desirability of permitting older or physically infirm offenders to be released from confinement. The purpose was to identify whether medical treatment with resources other than state funds would be appropriate.

A workgroup was established to conduct research and consult with the appropriate state agencies. The proposed legislative changes have been reviewed and formally approved by the full Sentencing Guidelines Commission.

Summary of Substitute Bill: The Secretary of Corrections may authorize the extraordinary medical placement of an offender if the offender's medical condition requires costly treatment, the risk to public safety is negligible due to the offender's physical incapacitation, and the state would realize a cost benefit. Electronic monitoring is mandatory unless it interferes with medical equipment or results in a loss of funding for medical care. Offenders sentenced to death or life imprisonment without the possibility of parole are not eligible under any circumstances.

The Secretary reports annually to the Legislature.

Substitute Bill Compared to Original Bill: Extraordinary medical release— is changed to extraordinary medical placement— to reflect that the offenders are not being released, they are being placed in a more medically appropriate setting. Electronic monitoring is

mandatory unless it interferes with medical equipment or results in a loss of funding for medical care.

Appropriation: None.

Fiscal Note: Requested on January 27, 1999.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The current procedure for extraordinary release is too burdensome and slow. The proposed procedure provides adequate safeguards to the public and saves the state money. The placement is contemplated only for offenders who are incapable of committing further offenses. Medicaid money will help pay for the care of these prisoners only if they are not under 24-hour supervision.

Testimony Against: None.

Testified: PRO: James Thatcher, DOC; Gail Kreiger, DOC; Roger Goodman, Sentencing Guidelines Commission.