

FINAL BILL REPORT

SB 6243

FULL VETO

As Passed Legislature

Brief Description: Prohibiting organ transplants for offenders sentenced to death.

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

Senate Committee on Human Services & Corrections

House Committee on Corrections

Background: Currently, 11 offenders in the Department of Corrections' custody have been sentenced to death. Two of the 11 have had their death sentences overturned and are awaiting the outcome of the state's appeals to reinstate the death sentence.

Current Washington law requires the department to provide medical services as may be mandated by the federal Constitution and the Constitution of the state of Washington. The United States Supreme Court ruled in 1976 that states have an obligation to provide health care to the individuals they incarcerate. Generally, the proscription against cruel and unusual punishment requires that states not be deliberately indifferent to the serious medical needs of the offender, but neither the Supreme Court nor the lower courts have clearly identified the quality, quantity, or accessibility to health care to which prisoners are entitled.

Serious medical needs are defined in rule as those which, if not responded to, will cause or allow to continue significant or debilitating pain or cause significant deterioration of the inmate's medical condition during the period of his or her incarceration.

The department spent \$30.33 million for inmate health care in 1994 (\$24.7 million for medical, \$3.6 million for dental, and \$2 million for mental health), a 176 percent increase since 1986, during which time the offender population grew by 49 percent. The department's average expenditure for health care increased from \$1,708 to \$3,172 per offender (86 percent) from 1986 to 1994. During the same time period, the Consumer Price Index for medical care in the western United States increased 76 percent.

Summary: The Department of Corrections is prohibited from using public funds to provide life-saving health care procedures for an inmate who is under a sentence of death or whose death sentence is under appellate review. However, the department may provide basic medical services and basic emergency life-saving procedures (such as CPR) for such an inmate.

The inmate is responsible for the costs of all health care services obtained or provided, which includes both basic medical services and basic emergency procedures. If the balance of an offender's institution account is insufficient to meet the costs of the health care services, the department may obtain a judgment and lien against any real property owned by

the offender. The inmate is entitled to due process to defend against the lien before a judgment may be enforced.

Votes on Final Passage:

Senate	42	0	
House	78	19	(House amended)
Senate	36	7	(Senate concurred)