
HOUSE BILL 1405

State of Washington 58th Legislature 2003 Regular Session

By Representatives McMahan, Mielke, Sump, Benson, Cox, Orcutt, Kristiansen, Holmquist, Schoesler, Talcott, Roach, Bush, Bailey, Newhouse, Condotta and Ahern

Read first time 01/24/2003. Referred to Committee on Criminal Justice & 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 after initial appellate review and
8 providing such services to inmates who have been sentenced to life or
9 to a lesser term or whose death sentence is under initial appellate
10 review. The people of Washington state should not be required to
11 provide or pay for health care services not otherwise constitutionally
12 required for inmates who have had final disposition of at least one
13 appeal and are under a sentence of death or whose death sentence is
14 under additional appellate review.

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

17 (1) For an inmate who has had final disposition of at least one
18 appeal and is under a sentence of death or whose death sentence is

1 under additional appellate review, the department may provide basic,
2 nonemergency health care services, including administration of
3 medication necessary for pain relief or to prevent infection or
4 contagion, but shall not use any public funds to provide a life-saving
5 health care procedure. The department may, however, provide procedures
6 such as cardiopulmonary resuscitation, the Heimlich maneuver, and other
7 similar, basic emergency life-saving procedures.

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

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

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

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