

HOUSE BILL REPORT

EHB 2194

As Amended by the Senate

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

Brief Description: Modifying provisions relating to extraordinary medical placement for offenders.

Sponsors: Representative Appleton; by request of Department of Corrections.

Brief History:

Committee Activity:

Human Services: 2/18/09, 2/19/09 [DP];

Ways & Means: 2/24/09, 2/27/09 [DP].

Floor Activity

Passed House: 4/14/09, 51-46.

Senate Amended.

Passed Senate: 4/26/09, 27-16.

Brief Summary of Engrossed Bill

- Modifies the eligibility conditions for extraordinary medical placement for an offender in the Department of Corrections.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass. Signed by 7 members: Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green, Morrell, O'Brien and Walsh.

Minority Report: Do not pass. Signed by 1 member: Representative Klippert.

Staff: Linda Merelle (786-7092)

HOUSE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass. Signed by 22 members: Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler, Cody, Conway, Darneille, Haigh, Hinkle, Hunt, Hunter, Kagi, Kenney, Kessler, Pettigrew, Priest, Ross, Schmick, Seaquist and Sullivan.

Staff: Alex MacBain (786-7288)

Background:

Extraordinary Medical Placement.

The RCW 9.94A.728 sets forth the conditions under which an offender may leave the confines of the Department of Corrections (DOC) before the expiration of his or her sentence. An offender may leave before the expiration of his or her sentence as a result of earned early release, an authorized release or a leave of absence, or a transfer to community custody in lieu of earned early release.

In addition, an offender may leave if the DOC authorizes an extraordinary medical placement. An offender must meet the following conditions to become eligible for such a release:

- the offender has a medical condition that is serious enough to require costly care treatment;
- the offender poses a low risk to the community because he or she is physically incapacitated due to age or the medical condition; and
- granting the extraordinary medical placement will result in a cost savings to the state.

Offenders sentenced to death or to life imprisonment without the possibility of release or parole are not eligible for an extraordinary medical placement. Also, the Secretary of the DOC shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care. Extraordinary medical placement may be revoked at any time.

Summary of Engrossed Bill:

The eligibility conditions for extraordinary medical placement are modified. An offender is eligible if:

- the offender has a medical condition that is serious and is expected to require costly care or treatment;
- the offender poses a low risk to the community; and
- it is expected that granting the extraordinary medical placement will result in a cost savings to the state.

If electronic monitoring interferes with the function of an offender's medical equipment or results in the loss of funding of the offender's medical care, an alternative type of monitoring shall be used.

EFFECT OF SENATE AMENDMENT(S):

Specifies that a person meets one of the eligibility criteria for extraordinary medical placement if the person poses a low risk to the community because the person is currently incapacitated due to age or medical condition; the bill passed by the House allowed a broader scope in this criterion in that if a person posed a low risk to the community, they met one of the criterion for eligibility; the low risk did not have to be as a result of incapacitation.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect on August 1, 2009.

Staff Summary of Public Testimony (Human Services):

(In support) Most of the persons who would be eligible for extraordinary medical placement are not a danger to the community. When persons get to be that old or sick, it is time to let them go. The current law requires these individuals to wait a very long time. This law would allow them to start the process sooner. Under the terms of this bill, the person does not have to be near death before being granted this extraordinary medical placement status.

(Opposed) None.

Staff Summary of Public Testimony (Ways & Means):

(In support) Over the past five years, the Department of Corrections (Department) has placed 22 offenders into extraordinary medical placement. Each of these placements has saved the Department \$68,000. The current law limits the ability of the Department to begin the placement process. This bill allows the Department to begin to work with offenders earlier in the process when they are less ill and when the Department can avoid substantial medical treatment costs.

(Opposed) None.

Persons Testifying (Human Services): Representative Appleton, prime sponsor; and Ken Taylor and Barb Curtis, Department of Corrections.

Persons Testifying (Ways & Means): Ken Taylor, Department of Corrections.

Persons Signed In To Testify But Not Testifying (Human Services): None.

Persons Signed In To Testify But Not Testifying (Ways & Means): None.