

SENATE BILL REPORT

SB 5101

As of January 12, 2023

Title: An act relating to extraordinary medical placement for incarcerated individuals at the department of corrections.

Brief Description: Concerning extraordinary medical placement for incarcerated individuals at the department of corrections.

Sponsors: Senators Saldaña, Warnick, Dhingra, Kuderer, Nguyen, Nobles, Shewmake and Wilson, C..

Brief History:

Committee Activity: Human Services: 1/19/23.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Expands eligibility criteria and modifies electronic monitoring requirements for individuals granted extraordinary medical placement by the Department of Corrections.
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SENATE COMMITTEE ON HUMAN SERVICES

Staff: Kelsey-anne Fung (786-7479)

Background: The Secretary of the Department of Corrections (DOC) may authorize an extraordinary medical placement (EMP) and transfer an offender to an alternative care setting outside of DOC if:

- the offender has a serious medical condition expected to require costly care and treatment;
- granting the placement is expected to result in savings to the state; and
- the offender poses a low risk to the community because they are currently physically incapacitated due to age or the medical condition, or is expected to be so at the time of release.

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

Offenders authorized for an EMP must be placed on electronic monitoring unless the monitoring equipment interferes with the function of medical equipment or results in the loss of funding for the offender's medical care, in which case, alternative monitoring must be used. An EMP can be revoked at any time. Persistent offenders and offenders sentenced to death or life imprisonment without the possibility of release or parole are not eligible for EMP.

DOC has policies establishing criteria and procedures for referring, screening, placing, and monitoring individuals who are eligible for EMP. Per policy, the individual must be seriously ill or have a medical condition that is physically or mentally debilitating or incapacitating, rendering the individual unable or unlikely to engage in activities of daily living without assistance, perform gainful employment, and participate in criminal behavior.

Since 1999, the secretary of DOC has been required to report annually to the Legislature on:

- the number of offenders considered for an EMP;
- the number of offenders who were granted an EMP;
- the number of offenders who were denied an EMP;
- the length of time between initial consideration and the placement decision for each offender who was granted an EMP;
- the number of offenders granted an EMP who were later returned to total confinement; and
- the cost savings realized by the state.

Based on these annual reports, as of October 2022, during the prior year, 44 incarcerated individuals were considered for EMP and two were granted. In 2020, 75 incarcerated individuals were considered for EMP and 4 were granted. In 2019, 32 incarcerated individuals were considered for EMP and zero were granted.

Summary of Bill: Eligibility criteria for EMP is expanded to include chronic medical conditions. Restrictions limiting eligibility based on current or expected physical incapacitation due to age or the individual's medical condition are removed.

When an incarcerated individual is granted an EMP, electronic monitoring may be waived if the monitoring equipment is detrimental to the individual's health or prevents the individual, as certified by the individual's treating physician, from being independently mobile.

References to offender are replaced with incarcerated individual.

Appropriation: None.

Fiscal Note: Requested on January 9, 2023.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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