

1 **SB 6243** - H AMD **445 ADOPTED 3-1-96**

2 By Representatives Pelesky, Stevens and others

3 Strike everything after the enacting clause and insert the  
4 following:

5  
6 NEW SECTION. Sec. 1. The legislature finds a fundamental  
7 difference between providing certain health care services to  
8 inmates who are under a sentence of death or whose death sentence  
9 is under appellate review and providing such services to inmates  
10 who have been sentenced to life or to a lesser term. The people of  
11 Washington state should not be required to provide or pay for  
12 health care services not otherwise constitutionally required for  
13 inmates who are under a sentence of death or whose death sentence  
14 is under appellate review.

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

18 (1) For an inmate who is under a sentence of death or whose  
19 death sentence is under appellate review, the department may  
20 provide basic, non-emergency health care services, including  
21 administration of medication necessary for pain relief or to  
22 prevent infection or contagion, but shall not use any public funds  
23 to provide a life-saving health care procedure. The department  
24 may, however, provide procedures such as cardiopulmonary  
25 resuscitation, the Heimlich maneuver, and other similar, basic  
26 emergency life-saving procedures.

27 (2) For purposes of this section, the term "life-saving health  
28 care procedure" means a medical or surgical treatment or  
29 intervention to sustain, restore, or replace a bodily function,  
30 where failure to perform the treatment or intervention may result  
31 in the inmate's death. This term includes, but is not limited to,

1 open-heart surgery, organ transplants, bone marrow transplants, and  
2 chemotherapy.

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

16  
17 NEW SECTION. **Sec. 3.** If any provision of this act or its  
18 application to any person or circumstance is held invalid, the  
19 remainder of the act or the application of the provision to other  
20 persons or circumstances is not affected."

21  
22 Correct the title accordingly.

**EFFECT:** 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 cardiopulmonary  
resuscitation, for such inmates. The inmate is responsible  
for the costs of any health care services obtained or  
provided. If the balance of the offender's institution account  
is insufficient to meet the costs of the health care services,  
the department may obtain a judgment and may obtain a lien on  
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.