

**SSB 5101 - S AMD 13**  
By Senator Warnick

WITHDRAWN 02/08/2023

1 On page 1, line 19, after "(c)" strike "(i)" and insert "((+i))"

2 Beginning on page 1, line 20, after "an" strike all material  
3 through "placement" on page 2, line 28 and insert "~~((offender when~~  
4 ~~all of the following conditions exist:~~

5 ~~(A) The offender has a medical condition that is serious and is~~  
6 ~~expected to require costly care or treatment;~~

7 ~~(B) The offender poses a low risk to the community because he or~~  
8 ~~she is currently physically incapacitated due to age or the medical~~  
9 ~~condition or is expected to be so at the time of release; and~~

10 ~~(C) It is expected that granting the extraordinary medical~~  
11 ~~placement will result in a cost savings to the state.~~

12 ~~(ii) An offender sentenced to death or to life imprisonment~~  
13 ~~without the possibility of release or parole is not eligible for an~~  
14 ~~extraordinary medical placement.~~

15 ~~(iii) The secretary shall require electronic monitoring for all~~  
16 ~~offenders in extraordinary medical placement unless the electronic~~  
17 ~~monitoring equipment interferes with the function of the offender's~~  
18 ~~medical equipment or results in the loss of funding for the~~  
19 ~~offender's medical care, in which case, an alternative type of~~  
20 ~~monitoring shall be utilized. The secretary shall specify who shall~~  
21 ~~provide the monitoring services and the terms under which the~~  
22 ~~monitoring shall be performed.~~

23 ~~(iv) The secretary may revoke an extraordinary medical placement~~  
24 ~~under this subsection (1)(c) at any time.~~

25 ~~(v) Persistent offenders are not eligible for extraordinary~~  
26 ~~medical placement)) incarcerated individual pursuant to subsection~~  
27 ~~(4) of this section"~~

28 On page 4, after line 3, insert the following:

29 "(4)(a) An incarcerated individual may be eligible for  
30 extraordinary medical placement in accordance with subsection (1)(c)  
31 of this section in the following circumstances:

1 (i) The incarcerated individual has a terminal disease, as  
2 defined in RCW 70.245.010, is physically incapacitated due to age or  
3 medical condition, and is not independently mobile; and

4 (A) But for their incarcerated status, the incarcerated  
5 individual would be a qualified patient under RCW 70.245.010; or

6 (B) But for their incarcerated status, the incarcerated  
7 individual would be eligible for hospice care pursuant to chapter  
8 70.126 RCW; or

9 (ii) The incarcerated individual:

10 (A) Is more than 60 years of age;

11 (B) Has served at least 50 percent of their term of confinement;

12 (C) Is assessed as low risk of future criminal behavior;

13 (D) Is physically incapacitated due to age or medical condition  
14 and not independently mobile; and

15 (E) Is experiencing a highly debilitating medically diagnosed  
16 mental or physical health condition that is serious, permanent, and  
17 irreversible; or

18 (iii) The incarcerated individual:

19 (A) Is more than 75 years of age;

20 (B) Has served at least 75 percent of their term of confinement;

21 (C) Is assessed as low risk of future criminal behavior; and

22 (D) Is medically diagnosed with a deteriorating mental or  
23 physical health condition that substantially diminishes their ability  
24 to function in a state correctional facility.

25 (b) (i) The secretary shall require electronic monitoring for all  
26 individuals in extraordinary medical placement, and specify who shall  
27 provide the monitoring services and the terms under which the  
28 monitoring shall be performed, unless a medical professional examines  
29 the individual and makes a professional determination that:

30 (A) Electronic monitoring would cause harm to the individual's  
31 physical medical condition; or

32 (B) Electronic monitoring interferes with the function of the  
33 individual's medical equipment.

34 (ii) In any instance where electronic monitoring is waived under  
35 this subsection (4) (b), the secretary shall specify an alternative  
36 type of monitoring that provides for sufficient public safety.

37 (c) The secretary shall establish conditions on any individual  
38 granted extraordinary medical placement to ensure the safety of the  
39 public.

- 1       (d) The secretary may revoke an extraordinary medical placement  
2 at any time.
- 3       (e) Notwithstanding any other provision of this section,  
4 extraordinary medical placement is not authorized for:
- 5       (i) Any individual placed on extraordinary medical placement who  
6 is convicted of a subsequent criminal offense;
- 7       (ii) An incarcerated individual sentenced to death or sentenced  
8 to life imprisonment without the possibility of release or parole; or
- 9       (iii) An incarcerated individual who is a persistent offender as  
10 defined in RCW 9.94A.030."

**EFFECT:** Alters eligibility criteria for extraordinary medical placement by creating three separate eligibility pathways. Restructures and reorganizes the statute. Removes the requirement in current law that the medical condition be expected to require costly care or treatment. Removes the requirement in current law that granting the extraordinary medical placement will result in cost savings to the state. Prohibits extraordinary medical placement from being authorized for an individual who is granted extraordinary medical placement and is convicted of a subsequent criminal offense. Requires the secretary of the department of corrections to establish conditions on any individual granted an extraordinary medical placement to ensure public safety. Removes loss of funding for the individual's medical care as one of the reasons in current law that allows the use of an alternative type of monitoring. Removes the requirement that electronic monitoring be waived if the medical condition prevents the individual from being independently mobile.

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