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**Community Safety, Justice, & Reentry  
Committee**

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**SSB 5101**

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

**Sponsors:** Senate Committee on Human Services (originally sponsored by Senators Saldaña, Warnick, Dhingra, Kuderer, Nguyen, Nobles, Shewmake and Wilson, C.).

**Brief Summary of Substitute Bill**

- Modifies the eligibility criteria and electronic monitoring requirements for individuals granted extraordinary medical placement by the Department of Corrections.

**Hearing Date:** 3/9/23

**Staff:** Lena Langer (786-7192).

**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 the DOC if:

- the person has a serious medical condition expected to require costly care and treatment;
- granting the placement is expected to result in savings to the state;
- the person 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; and
- the person is not serving a sentence of life without the possibility of release.

Persons authorized for an EMP must be placed on electronic monitoring unless the monitoring

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equipment interferes with the function of medical equipment or results in the loss of funding for the person's medical care, in which case, alternative monitoring may be used. The Secretary of the DOC may revoke an EMP at any time.

The 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 and is currently or expected to be physically or mentally incapacitated, rendering the individual unable or unlikely to engage in activities of daily living without assistance, perform gainful employment, and participate in criminal behavior.

The Secretary of the DOC is 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 an EMP and two were granted. In 2020, 75 incarcerated individuals were considered for an EMP and four were granted. In 2019, 32 incarcerated individuals were considered for an EMP and zero were granted.

### **Summary of Bill:**

The eligibility criteria for an EMP is modified to require a permanent or terminal physical disability or a medical condition that is serious and complex. Restrictions limiting eligibility based on current or expected physical incapacitation due to age or medical condition are removed.

The list of reasons for when an alternative type of monitoring in lieu of electronic monitoring may be used is expanded to include when the monitoring equipment is detrimental to the individual's health. The electronic monitoring requirement for an individual authorized for an EMP will be waived if the individual's medical condition, as certified by the individual's treating physician, prevents the individual from being independently mobile.

References to "person" and "offender" are replaced with "incarcerated individual."

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is

passed.