

1 **STATE LONG-TERM CARE FOR INMATES**

2 2006 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Jackie Biskupski**

5 Senate Sponsor: Darin G. Peterson

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the chapter titled "Department of Corrections -- State Prison" to
10 require the department to provide notice to any health care facilities where offenders
11 may become residents.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ provides definitions; and
- 15 ▶ provides that if an inmate is given an early release, pardon, or parole due to a

16 chronic or terminal illness, and is then subsequently to be admitted as a resident of a
17 health care facility due to that illness, the department shall provide written notice to
18 the administrator of the facility prior to the offender's admission:

- 19 • advising of the offender's conviction and status with the department;
- 20 • stating that the administrator shall provide this information to residents or their
21 guardians and staff ten days prior to admission of the offender; and
- 22 • notify future residents or their guardians of current resident offenders.

23 **Monies Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**

28 ENACTS:

29 **64-13-39.5**, Utah Code Annotated 1953

30

31 *Be it enacted by the Legislature of the state of Utah:*32 Section 1. Section **64-13-39.5** is enacted to read:33 **64-13-39.5. Definitions -- Health care for chronically or terminally ill offenders --**34 **Notice to health care facility.**35 (1) As used in this section:36 (a) "Chronically ill" has the same meaning as in Section 31A-36-102.37 (b) "Health care facility" means an assisted living facility as defined in Subsection
38 26-21-2(5) and a nursing care facility as defined in Subsection 26-21-2(17), except that
39 transitional care units and other long term care beds owned or operated on the premises of
40 acute care hospitals or critical care hospitals are not health care facilities for the purpose of this
41 section.42 (c) "Terminally ill" has the same meaning as in Section 31A-36-102.43 (2) If an inmate is given an early release, pardon, or parole due to a chronic or terminal
44 illness, and is subsequently admitted as a resident of a health care facility due to the chronic or
45 terminal illness, the department shall provide written notice to the administrator of the facility,
46 stating:47 (a) the offense for which the offender was convicted and a description of the actual
48 offense;49 (b) the offender's status with the department; and50 (c) that the information provided by the department regarding the offender shall be
51 provided to employees of the facility no later than ten days prior to the offender's admission to
52 the facility.53 (3) (a) The administrator of the facility shall provide residents of the facility or their
54 guardians notice that a convicted felon is being admitted to the facility no later than ten days
55 prior to the offender's admission to the facility.56 (b) The administrator of the facility shall advise potential residents or their guardians
57 of persons under Subsection (2) who are current residents of the facility.

58 (4) The department shall provide notice under Subsection (3)(a) no later than 15 days
59 prior to the offender's admission as a resident of a health care facility.

60 (5) The department shall make rules under Title 63, Chapter 46a, Utah Administrative
61 Rulemaking Act, establishing a consistent format and procedure for providing notification to
62 facilities under this section.