

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

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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 appropriate health care for terminally and chronically  
11 ill patients, and to require that the department provide notice to any health care facilities  
12 where these offenders may become residents.

13   **Highlighted Provisions:**

14           This bill:

- 15           ▶ provides definitions;
- 16           ▶ requires the Department of Corrections to provide for the health care needs of an  
17 inmate who is chronically or terminally ill; and
- 18           ▶ provides that if an inmate is given an early release, pardon, or parole due to a  
19 chronic or terminal illness, and is then subsequently to be admitted as a resident of a  
20 health care facility due to that illness, the department shall provide written notice to  
21 the administrator of the facility prior to the offender's admission:
- 22           • advising of the offender's conviction and status with the department; and
  - 23           • stating that the administrator shall provide this information to residents and staff
- 24 30 days prior to admission of the offender.

25   **Monies Appropriated in this Bill:**

26           None

27   **Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 ENACTS:

31 **64-13-39.5**, Utah Code Annotated 1953



33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section **64-13-39.5** is enacted to read:

35 **64-13-39.5. Definitions -- Health care for chronically or terminally ill -- Notice to**  
36 **health care facility.**

37 (1) As used in this section:

38 (a) "Chronically ill" has the same meaning as in Section 31A-36-102.

39 (b) "Health care facility" has the same meaning as in Section 26-21-2.

40 (c) "Terminally ill" has the same meaning as in Section 31A-36-102.

41 (2) The department shall provide appropriate health care for an inmate who is  
42 chronically ill or who is terminally ill.

43 (3) 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; and

50 (c) that the information provided by the department regarding the offender shall be  
51 provided to employees or residents of the facility no later than 30 days prior to the offender's  
52 admission to the facility.

53 (4) The department shall provide notice under Subsection (3) no later than 45 days  
54 prior to the offender's admission as a resident of a health care facility.

**Legislative Review Note**

as of 12-19-05 3:53 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**