

PRISONER LONG-TERM HEALTH CARE

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jackie Biskupski

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the chapter "Department of Corrections - State Prison" to require certain actions by the department and by a nursing care facility or assisted living facility administrator to which an offender is released from prison or parole.

Highlighted Provisions:

This bill:

- ▶ provides definitions;
- ▶ provides that if an inmate is given an early release, pardon, or parole due to a chronic or terminal illness and is admitted as a resident of a nursing or assisted living facility, the department shall provide:

- notice to the facility administrator, no later than 15 days prior to the offender's admission as a resident of a facility and also provide department contact information;

- information to the public on the department's website, and upon request, regarding the offenders placed in health care facilities, including the name and address of the facility where the offender resides, and the date the offender was placed at the facility; and

- a training program for employees who work in a secure area at facilities where offenders reside;

- ▶ requires the nursing or assisted living facility administrator to provide:



- 28 • a separate and secure area in the facility for offenders; and
- 29 • staff trained by the Department of Corrections in the safe management of
- 30 offenders; and
- 31 ▶ provides a penalty for failure to provide:
 - 32 • notice to other facility residents;
 - 33 • a separate and secure area for offenders; and
 - 34 • employees trained in the safe management of offenders.

35 **Monies Appropriated in this Bill:**

36 None

37 **Other Special Clauses:**

38 None

39 **Utah Code Sections Affected:**

40 AMENDS:

41 **64-13-39.5**, as enacted by Chapter 138, Laws of Utah 2006

42 ENACTS:

43 **64-13-39.6**, Utah Code Annotated 1953



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

46 Section 1. Section **64-13-39.5** is amended to read:

47 **64-13-39.5. Definitions -- Health care for chronically or terminally ill offenders --**

48 **Notice to health care facility.**

49 (1) As used in this section:

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

51 (b) [~~"Health care facility"~~] "Facility" means an assisted living facility as defined in
52 Subsection 26-21-2(5) and a nursing care facility as defined in Subsection 26-21-2(17), except
53 that transitional care units and other long term care beds owned or operated on the premises of
54 acute care hospitals or critical care hospitals are not [~~health care~~] facilities for the purpose of
55 this section.

56 (c) "Offender" means an inmate whom the department has given an early release,
57 pardon, or parole due to a chronic or terminal illness.

58 (d) "Secure area" means any designated area of a facility occupied by one or more

59 offenders and designed so that residents in the designated secure area do not have access to the
60 facility beyond the secure area.

61 ~~[(e)]~~ (e) "Terminally ill" has the same meaning as in ~~[Section]~~ Subsection
62 31A-36-102(11).

63 (2) If an ~~[inmate is given an early release, pardon, or parole due to a chronic or~~
64 ~~terminal illness, and is subsequently]~~ offender is admitted as a resident of a ~~[health care]~~
65 facility due to the chronic or terminal illness, the department shall:

66 (a) provide written notice to the administrator of the facility no later than 15 days prior
67 to the offender's admission as a resident of a facility, stating:

68 ~~[(a)]~~ (i) the offense for which the offender was convicted and a description of the
69 actual offense;

70 ~~[(b)]~~ (ii) the offender's status with the department; ~~[and]~~

71 ~~[(c)]~~ (iii) that the information provided by the department regarding the offender shall
72 be provided to employees of the facility no later than ten days prior to the offender's admission
73 to the facility[-]; and

74 (iv) the contact information for:

75 (A) the offender's parole officer and also a point of contact within the department, if
76 the offender is on parole; and

77 (B) a point of contact within the department, if the offender is not under parole
78 supervision but was given an early release or pardon due to a chronic or terminal illness;

79 (b) provide information to the public on the department's website and upon request
80 regarding the offenders placed under this Subsection (2), including the name and address of the
81 facility where the offender resides, and the date the offender was placed at the facility; and

82 (c) provide a training program for employees who work in a secure area of a facility
83 where offenders reside.

84 (3) ~~[(a)]~~ The administrator of the facility shall:

85 (a) provide residents of the facility or their guardians notice that a convicted felon is
86 being admitted to the facility no later than ten days prior to the offender's admission to the
87 facility[-];

88 ~~[(b)]~~ ~~[The administrator of the facility shall]~~ advise potential residents or their guardians
89 of persons under Subsection (2) who are current residents of the facility[-];

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

92 (c) provide a separate and secure area in the facility for offenders; and

93 (d) provide training, offered by the department, in the safe management of offenders
94 for all employees working with offenders in a secure area of the facility.

95 ~~[(5)]~~ (4) The department shall make rules under Title 63, Chapter 46a, Utah
96 Administrative Rulemaking Act, establishing:

97 (a) a consistent format and procedure for providing notification to facilities ~~[under this~~
98 ~~section.]~~ and information to the public in compliance with Subsection (2); and

99 (b) a training program, in compliance with Subsection (3) for employees, who work at
100 facilities where offenders reside to ensure the safety of facility residents and employees.

101 Section 2. Section **64-13-39.6** is enacted to read:

102 **64-13-39.6. Penalty.**

103 Any person who willfully violates Subsection 64-13-39.5(3) is guilty of a class B
104 misdemeanor.

Legislative Review Note
as of 12-13-06 7:06 AM

Office of Legislative Research and General Counsel