

Representative Jackie Biskupski proposes the following substitute bill:

PRISONER LONG-TERM HEALTH CARE

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jackie Biskupski

Senate Sponsor: Darin G. Peterson

LONG TITLE

General Description:

This bill modifies the chapter "Department of Corrections - State Prison" to require certain actions by a corrections department or agency 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 or another state's agency placing the offender 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 contact information;
 - information to the public on the Utah Department of Corrections' 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



- 26 • a training program for employees who work in facilities where offenders reside;
- 27 ▶ requires the nursing or assisted living facility administrator to provide staff trained
- 28 by the Department of Corrections in the safe management of offenders; and
- 29 ▶ provides a penalty for failure to provide:
 - 30 • notice to other facility residents; and
 - 31 • employees trained in the safe management of offenders.

32 **Monies Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

38 **64-13-39.5**, as enacted by Chapter 138, Laws of Utah 2006

39 ENACTS:

40 **64-13-39.6**, Utah Code Annotated 1953



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

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

44 **64-13-39.5. Definitions -- Health care for chronically or terminally ill offenders --**
45 **Notice to health care facility.**

46 (1) As used in this section:

47 (a) "Department or agency" means the Utah Department of Corrections or a department
48 of corrections or government entity responsible for placing an offender in a facility located in
49 Utah.

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

51 [~~(b)~~] (c) [~~"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 (d) "Offender" means an inmate whom the department or agency has given an early

57 release, pardon, or parole due to a chronic or terminal illness.

58 ~~[(e)]~~ (e) "Terminally ill" has the same meaning as in ~~[Section]~~ Subsection
59 31A-36-102(11).

60 (2) If an ~~[inmate is given an early release, pardon, or parole due to a chronic or~~
61 ~~terminal illness, and is subsequently]~~ offender from Utah or any other state is admitted as a
62 resident of a [health care] facility due to the chronic or terminal illness, the department or
63 agency placing the offender shall:

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

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

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

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

72 (iv) the contact information for:

73 (A) the offender's parole officer and also a point of contact within the department or
74 agency, if the offender is on parole; and

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

77 (b) make available to the public on the Utah Department of Corrections' website and
78 upon request:

79 (i) the name and address of the facility where the offender resides; and

80 (ii) the date the offender was placed at the facility; and

81 (c) provide a training program for employees who work in a facility where offenders
82 reside, and if the offender is placed at the facility by:

83 (i) the Utah Department of Corrections, the department shall provide the training
84 program for the employees; and

85 (ii) by a department or agency from another state, that state's department or agency
86 shall arrange with the Utah Department of Corrections to provide the training required by this
87 Subsection (2), if training has not already been provided by the Utah Department of

88 Corrections, and shall provide to the Utah Department of Corrections any necessary
89 compensation for this service.

90 (3) ~~(a)~~ The administrator of the facility shall:

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

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

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

98 (c) provide training, offered by the Utah Department of Corrections, in the safe
99 management of offenders for all employees.

100 ~~[(5)]~~ (4) The ~~[department]~~ Utah Department of Corrections shall make rules under
101 Title 63, Chapter 46a, Utah Administrative Rulemaking Act, establishing:

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

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

106 Section 2. Section ~~64-13-39.6~~ is enacted to read:

107 **64-13-39.6. Penalty.**

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