

Prisoner Admission to Certain Health Care Facilities

This Act provides that if an inmate is given an early release, pardon, or parole due to a chronic or terminal illness and is admitted to a nursing or assisted living facility, the state department of corrections or state agency placing the offender must notify the facility administrator about the offender prior to the offender's admission to the facility. The department of corrections or placing agency must also provide information to the public about the offender on the department of corrections' website. This information includes where the offender resides and the date the offender was placed at the nursing home or assisted living facility.

The bill establishes a training program for employees who work in facilities where offenders reside and it directs nursing or assisted living facility administrator to provide staff trained by the department of corrections in the safe management of offenders.

Submitted as:

Utah

[HB 114](#)

Status: Enacted into law in 2007.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act shall be cited as “An Act to Address Prisoner Admissions
2 to Certain Health Care Facilities.”

3
4 Section 2. [*Definitions -- Health Care for Chronically or Terminally Ill Offenders -- Notice*
5 *to Health Care Facility.*]

6 (1) As used in this section:

7 (a) “Department or agency” means the [department of corrections] or government
8 entity responsible for placing an offender in a facility located in this state.

9 (b) “Chronically ill” has the same meaning as in [insert citation].

10 (c) “Facility” means an assisted living facility as defined in [insert citation] and a
11 nursing care facility as defined in [insert citation], except that transitional care units and other long
12 term care beds owned or operated on the premises of acute care hospitals or critical care hospitals
13 are not facilities for the purpose of this section.

14 (d) “Offender” means an inmate whom the [department of corrections] or [agency]
15 has given an early release, pardon, or parole due to a chronic or terminal illness.

16 (e) “Terminally ill” is defined as [insert citation].

17 (2) If an offender from this state or any other state is admitted as a resident of a facility due
18 to a chronic or terminal illness, the [department of corrections] or [agency] placing the offender
19 shall:

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

22 (i) the offense for which the offender was convicted and a description of the
23 actual offense;

24 (ii) the offender's status with the [department of corrections] or [agency];

25 (iii) that the information provided by the [department of corrections] or
26 [agency] about the offender shall be provided to employees of the facility no later than [ten] days
27 prior to the offender's admission to the facility; and

28 (iv) the contact information for:

29 (A) the offender's parole officer and also a point of contact within
30 the [department of corrections] or [agency], if the offender is on parole; and

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

34 (b) make available to the public on the [department of corrections'] website and
35 upon request:

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

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

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

40 (i) the [department of corrections], the [department of corrections] shall
41 provide the training program for the employees; and

42 (ii) by a [department of corrections] or [agency] from another state, that
43 state's [department or agency] shall arrange with the [department of corrections] to provide the
44 training required by this subsection (2), if training has not already been provided by the
45 [department of corrections], and shall provide to the [department of corrections] any necessary
46 compensation for this service.

47 (3) The administrator of the facility shall:

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

51 (b) advise potential residents or their guardians about people under Subsection (2)
52 who are current residents of the facility; and

53 (c) provide training, offered by the [department of corrections], to all employees
54 about how to safely manage offenders.

55 (5) The [department of corrections] shall make rules under [insert citation] establishing:

56 (a) a consistent format and procedure for providing notification to facilities and
57 information to the public in compliance with Subsection (2); and

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

60 (6) Anyone who willfully violates Section 2 (3) of this Act is guilty of a [Class B
61 misdemeanor].

62
63 Section 3. [*Severability.*] [Insert severability clause.]

64
65 Section 4. [*Repealer.*] [Insert repealer clause.]

66
67 Section 5. [*Effective Date.*] [Insert effective date.]