

HOUSE JUDICIARY SUBCOMMITTEE

ON CRIMINAL LAW

March 22, 2005 Hearing Room 357

8:30 A.M. Tapes 31 - 32

MEMBERS PRESENT: Rep. Jeff Barker, Chair

Rep. Greg Macpherson

Rep. Andy Olson

Rep. Kim Thatcher

GUEST MEMBER: Rep. Wayne Krieger

STAFF PRESENT: Heidi Moawad, Counsel

Elizabeth Howe, Committee Assistant

MEASURES/ISSUES HEARD:

HB 2139 – Public Hearing and Work Session

HB 2140 – Work Session

HB 2143 – Work Session

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/# Speaker Comments

TAPE 31, A

003 Chair Barker Calls the meeting to order at 8:36 a.m. Opens a public hearing on HB 2139.

HB 2139 – PUBLIC HEARING

007 Heidi Moawad Counsel. Provides background for HB 2139, which exempts unclaimed or abandoned property of Department of Corrections inmate from Uniform Disposition of Unclaimed Property Act. Describes -1 amendments (**EXHIBIT A**).

028 Stan Czerniak Assistant Director of Operation, Department of Corrections (DOC). Submits written testimony (**EXHIBIT B**) and testifies in support of HB 2139.

047 Chair Barker Questions what will happen to unclaimed property.

048 Czerniak Explains options.

054 Rep. Olson Inquires what percentage of property is returned to inmate or inmate's family within two year period.

056 Czerniak Believes a fairly high percentage is returned. Discusses what happens at every institution to unclaimed property.

072 Rep. Macpherson Questions -1 amendments and the limitation to tangible property. Inquires if HB 2139 addresses intangible property.

086 Czerniak Explains what happens to intangible property that is unclaimed, and confirms that HB 2139 does not address intangible property.

098 Chair Barker Closes public hearing and opens a work session on HB 2139.

HB 2139 – WORK SESSION

100 Rep. Macpherson **MOTION: Moves to ADOPT HB 2139-1 amendments dated 3/21/05.**

VOTE: 4-0-0

103 Chair Barker Hearing no objection, declares the motion CARRIED.

104 Rep. Macpherson MOTION: Moves HB 2139 to the full committee with a DO PASS AS AMENDED recommendation.

VOTE: 4-0-0

AYE: In a roll call vote, all members present vote Aye.

106 Chair Barker The motion CARRIES.

REP. MACPHERSON will lead discussion in the full committee.

110 Chair Barker Closes work session on HB 2139 and opens a work session on HB 2140.

HB 2140 – WORK SESSION

111 Heidi Moawad Counsel. Introduces HB 2140, which requires persons confined in correctional facilities to exhaust administrative remedies before filing complaints with health professional regulatory boards. Explains -1 amendments (**EXHIBIT C**).

140 Andrea Meyer American Civil Liberties Union (ACLU). Submits written testimony (**EXHIBITS D**) and testifies in opposition to HB 2140.

188 Meyer Testifies in opposition to HB 2143 (**EXHIBIT E**). Discusses intimidation of inmates within prisons.

248 Chair Barker Inquires about the statute of limitations to file with regulatory boards.

254 Meyer Admits that she does not know, and offers to look into it.

256 Rep. Macpherson Describes difference between claim of negligence and claim to a regulatory board.

272 Chair Barker Questions what relief inmate receives for filing with regulatory board.

274	Meyer	Explains that the inmate receives the relief of knowing that the doctor will not be able to harm other inmates.
297	Rep. Macpherson	Addresses the time limit to pursue a complaint with a regulatory board.
309	Meyer	Emphasizes the urgency in some situations to avoid extending the grievance process.
328	Moawad	Explains relevant statutes regarding processing complaints to health professional regulatory boards.
352	Meyer	Adds that exhausting the administrative regulatory grievance process will extend the timeline for everyone involved.
370	Rep. Macpherson	Discusses the grievance review system through the DOC and points out the timelines.

TAPE 32, A

024	Meyer	Recalls that the DOC makes every attempt to follow deadlines, but sometimes cannot meet them. Adds that there is no definite timeline.
035	Rep. Macpherson	Suggests that if the DOC does not follow their own timelines then the inmate has the right to seek assistance from the regulatory boards.
043	Meyer	Feels that the ACLU would be pleased with that change.
050	Rep. Krieger	Notes the state of an inmate's health when they arrive in prison, and suggests that the taxpayers cannot afford to give superior treatment.
062	Meyer	Responds that this issue is about incompetency and malpractice, not about denying superior medical treatment.
077	Mary Botkin	American Federation of State, County, and Municipal Employees (AFSCME). Testifies in support of HB 2140.
118	Stan Czerniak	Assistant Director of Operations, DOC. Testifies in support of HB 2140.

- 142 Rep. Macpherson Describes dedicated health professionals and difficult patients to whom they provide care. Questions whether there is a risk of an inmate being unable to exhaust the internal grievance process.
- 170 Czerniak Explains his concern with the few times the DOC cannot meet deadlines due to situations out of their control, but maintains allowing inmates to seek outside processes if deadlines are not met is acceptable.
- 183 Chair Barker Inquires how long the grievance process takes.
- 185 Czerniak Approximates four months.
- 188 Rep. Thatcher Clarifies four and a half months.
- 193 **Rep. Macpherson** **MOTION: Moves to ADOPT HB 2140-1 amendments dated 3/11/05.**
- VOTE: 4-0-0**
- 195 **Chair Barker** **Hearing no objection, declares the motion CARRIED.**
- 196 Rep. Macpherson Explains that the bill currently reads that if the inmates uphold their responsibilities in the grievance process, they may file with a regulatory board if DOC fails to meet their timelines.
- 202 **Rep. Macpherson** **MOTION: Moves HB 2140 to the full committee with a DO PASS AS AMENDED recommendation.**
- VOTE: 4-0-0**
- AYE: In a roll call vote, all members present vote Aye.**
- 208 **Chair Barker** **The motion CARRIES.**
- REP. MACPHERSON will lead discussion in the full committee.**
- 216 Chair Barker Closes work session on HB 2140. Opens work session on HB 2143, which requires that inmate exhaust all administrative remedies before filing action against public body.

