

1 SB87
2 187242-2
3 By Senators Pittman, Brewbaker, Albritton, Allen, Marsh, Reed,
4 Stutts, Waggoner and Coleman-Madison
5 RFD: Finance and Taxation General Fund
6 First Read: 07-FEB-17

1 SB87

2
3
4 ENROLLED, An Act,

5 Relating to medical paroles; to require the
6 Department of Corrections to annually identify all inmates who
7 have spent 30 or more days in an infirmary or under a
8 physician's care and provide that information to the Board of
9 Pardons and Paroles for consideration of medical paroles by
10 the board under certain conditions; to provide for the medical
11 parole of identified inmates under certain conditions; and to
12 require the board to report certain information relating to
13 medical parole to certain legislative committees.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. This act shall be known and may be cited
16 as the Alabama Medical Parole Act.

17 Section 2. For the purposes of this section, the
18 following terms shall have the following meanings:

19 (1) BOARD. The Board of Pardons and Paroles.

20 (2) GERIATRIC INMATE. A person 60 years of age or
21 older convicted in this state of a non-capital felony offense
22 and sentenced to the penitentiary, who suffers from a chronic
23 life-threatening infirmity, life-threatening illness, or
24 chronic debilitating disease related to aging, who requires
25 assistance with a necessary daily life function and poses a

1 low risk to the community, and who does not constitute a
2 danger to himself or herself or society.

3 (3) NECESSARY DAILY LIFE FUNCTION. Eating,
4 breathing, toileting, walking, or bathing.

5 (4) PERMANENTLY INCAPACITATED INMATE. A state inmate
6 who satisfies both of the following:

7 a. Is unable to perform one and requires assistance
8 with one or more necessary daily life functions or who is
9 completely immobile.

10 b. Has such limited physical or mental ability,
11 strength, or capacity that he or she poses an extremely low
12 risk of physical threat to others or to the community.

13 (5) TERMINALLY ILL INMATE. A state inmate who has an
14 incurable condition caused by illness or disease which would,
15 with reasonable medical judgment, produce death within 12
16 months, and who does not constitute a danger to himself or
17 herself or society.

18 Section 3. (a) (1) The Board of Pardons and Paroles
19 shall establish a special medical parole docket and adopt the
20 rules for implementation pursuant to Section 15-22-24(e), Code
21 of Alabama 1975. For each person considered for medical
22 parole, the board shall determine whether the person is a
23 geriatric inmate, permanently incapacitated inmate, or
24 terminally ill inmate for purposes of placing the person on a
25 special medical parole docket to be considered for parole by

1 the board. An open public hearing shall be held, pursuant to
2 Section 15-22-23, Code of Alabama 1975, to consider the
3 medical parole of the inmate. Notices of the hearing shall be
4 sent pursuant to Sections 15-22-23, and 15-22-36, Code of
5 Alabama 1975. The notice shall clearly state the inmate is
6 being considered for a "medical parole."

7 (2) The Department of Corrections shall immediately
8 provide, upon request from the board, a list of geriatric,
9 permanently incapacitated, and terminally ill inmates who are
10 otherwise eligible for parole, subject to the limitations
11 provided under Section 15-22-28(e), Code of Alabama 1975. By
12 January 1 of each calendar year, the Department of Corrections
13 shall additionally identify all inmates who have spent more
14 than 30 or more days in an infirmary in the prior calendar
15 year or received costly and frequent medical treatment outside
16 a Department of Corrections facility in the previous 12
17 months, as well as all inmates suffering from a
18 life-threatening illness and whose death is imminent within 12
19 months, who are otherwise parole eligible, subject to the
20 limitations provided under Section 15-22-28(e), Code of
21 Alabama 1975, and shall immediately provide this information
22 to the board to determine if identified inmates may be
23 considered for a medical parole.

24 (3) Upon a determination that the inmate is eligible
25 for a medical parole, the board shall place the inmate on the

1 next available special medical parole docket pursuant to rules
2 adopted by the board for the board to consider the individual
3 for medical parole.

4 (b) Medical parole consideration shall be in
5 addition to any other release for which an inmate may be
6 eligible.

7 (c) In considering an inmate for medical parole, the
8 board may request that additional medical evidence be
9 produced, or that additional medical examinations be conducted
10 by the Department of Corrections.

11 (d) In determining factors for a medical parole, the
12 board shall take into consideration all of the following:

13 (1) Risk for violence.

14 (2) Criminal history.

15 (3) Institutional behavior.

16 (4) Age of the inmate, currently and at the time of
17 the offense.

18 (5) Severity of the illness, disease, or infirmities
19 and whether the same existed at the time of the offense.

20 (6) All available medical and mental health records.

21 (7) Reentry plans, which include alternatives to
22 caring for terminally ill or permanently incapacitated inmates
23 in traditional prison settings.

24 (e) This act shall not apply to inmates convicted of
25 capital murder or a sex offense.

1 (f) Unless provided otherwise in this act, any
2 medical parole under this act shall comply with Article 2,
3 Chapter 22, Title 15, Code of Alabama 1975.

4 (g) The board shall report annually to the Joint
5 Legislative Interim Prison Committee, House Judiciary
6 Sentencing Commission Subcommittee, and the Alabama Sentencing
7 Commission on the number of medical paroles granted, the
8 nature of the illnesses, diseases, and conditions of those
9 paroled, the number of inmates granted and denied medical
10 parole, and the number of cases granted medical parole, but
11 that could not be released. The crimes for which the inmates
12 have been convicted shall also be provided in the annual
13 report. The report shall be made in a manner that does not
14 disclose any individual identifying information for any
15 particular inmate and shall be compliant in all respects with
16 the Health Insurance Portability and Accountability Act.

17 (h) This act shall not be deemed to grant any
18 entitlement or right to release.

19 Section 4. This act shall become effective six
20 months following its passage and approval by the Governor, or
21 its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB87
Senate 14-MAR-17
I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed 18-MAY-17

Senate concurred in House amendment 19-MAY-17

By: Senator Pittman