

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 1338

By: Babinec and Bennett
(Forrest) of the House

6 and

7 Dugger of the Senate
8
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10 COMMITTEE SUBSTITUTE

11 An Act relating to prisons and reformatories;
12 amending 57 O.S. 2011, Section 332.18, as last
13 amended by Section 1, Chapter 42, O.S.L. 2015 (57
14 O.S. Supp. 2016, Section 332.18), which relates to
15 medical paroles; allowing certain inmates to request
16 medical parole review; providing restrictions;
17 requiring certain notification; defining certain
18 terms; and providing an effective date.

19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. AMENDATORY 57 O.S. 2011, Section 332.18, as
21 last amended by Section 1, Chapter 42, O.S.L. 2015 (57 O.S. Supp.
22 2016, Section 332.18), is amended to read as follows:

23 Section 332.18. A. The Director of the Department of
24 Corrections shall have the authority to request the Executive
Director of the Pardon and Parole Board to place an inmate on the
Pardon and Parole Board docket for a medical reason, out of the

1 normal processing procedures. Documentation of the medical
2 condition of such inmate shall be certified by the medical director
3 of the Department of Corrections. The Pardon and Parole Board shall
4 have the authority to bring any such inmate before the Board at any
5 time, except as otherwise provided in subsection B of this section.

6 B. When a request is made for a medical parole review of an
7 inmate ~~who~~:

8 1. Who is dying or is near death as certified by the medical
9 director of the Department of Corrections ~~or whose~~;

10 2. Whose medical condition has rendered the inmate no longer an
11 unreasonable threat to public safety; or

12 3. Who is:

13 a. fifty (50) years of age or older,

14 b. medically frail, and

15 c. not serving time for a violent crime listed in

16 paragraph 2 of Section 571 of this title or a sex

17 crime listed in Section 581 of this title that would

18 require the inmate to register as a sex offender

19 pursuant to the Sex Offenders Registration Act,

20 the Executive Director shall place such inmate on the first
21 available parole review docket for a compassionate parole
22 consideration. Inmates who meet the criteria set out in this
23 section are not subject to the two-stage hearing process in
24 subsection C of Section 332.7 of this title.

1 C. No person shall be eligible for consideration for medical
2 parole without the concurrence of at least three members of the
3 Pardon and Parole Board. The vote on whether or not to consider
4 such person for parole and the names of the concurring Board members
5 shall be set forth in the written minutes of the meeting of the
6 Board at which the issue is considered.

7 D. In the event that due to changes in the medical condition of
8 the parolee granted medical parole or for other reasons, it is
9 determined that the continuation of the medical parole presents an
10 increased risk to the public, the parolee shall be subject to parole
11 revocation. In such case, the Department of Corrections shall
12 follow the revocation procedure for violators of parole set forth in
13 Section 516 of this title.

14 E. The provisions of this section shall not apply to inmates
15 serving a sentence of life without possibility of parole.

16 F. Prior to the placement of an inmate on medical parole, the
17 Pardon and Parole Board shall provide written notification to the
18 sheriff and district attorney of the county in which any person on
19 medical parole is to be placed and to the chief law enforcement
20 officer of any incorporated city or town in which the person is to
21 be placed of the placement of the person on medical parole. The
22 Board shall also provide written notification of the placement of
23 the person on medical parole to any victim of the crime for which
24 the inmate was convicted by mailing the notification to the last

1 known address of the victim, if such information is requested by the
2 victim. The Board shall not give the address of the inmate to any
3 victim of the crime for which the inmate was convicted.

4 G. As used in this section:

5 1. "Medically frail" means an individual:

- 6 a. who is a minimal threat to society as a result of his
7 or her medical condition,
8 b. whose ability to perform two or more activities of
9 daily living is significantly impaired, and
10 c. who may have limited mobility and ability to transfer
11 from one physical position to another as a result of
12 one or more medical conditions;

13 2. "Medical condition" includes, but is not limited to, the
14 following:

- 15 a. disabling mental disorders including dementia,
16 Alzheimer's Disease, or similar degenerative brain
17 disorder,
18 b. serious and complex medical conditions, or
19 c. physical disabilities.

20 The term medical condition may also include those individuals
21 who are enrolled in two or more chronic care clinics for the
22 treatment of Human Immunodeficiency Virus (HIV), Acquired Immune
23 Deficiency Syndrome (AIDS), cancer, cardiovascular disease, Chronic
24 Obstructive Pulmonary Disease (COPD), diabetes, Hepatitis C or

1 seizure disorder, or are expected to continue to need specialty care
2 or recurrent hospitalizations; and

3 3. "Activities of daily living" means basic personal care and
4 everyday activities including tasks such as eating, toileting,
5 grooming, dressing, bathing and transferring from one physical
6 position to another, including moving from a reclining position to a
7 sitting or standing position.

8 SECTION 2. This act shall become effective November 1, 2017.

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