

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE  
4 SUBSTITUTE  
5 FOR ENGROSSED  
6 HOUSE BILL NO. 1338

By: Babinec and Bennett  
(Forrest) of the House

and

Dugger of the Senate

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10 CONFERENCE 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 directing Pardon and Parole Board to provide written  
18 notification to certain persons prior to placing  
19 inmate on medical parole docket; prohibiting  
20 disclosure of certain information; defining terms;  
21 and providing an effective date.

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

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

Section 332.18 A. The Director of the Department of  
Corrections shall have the authority to request the Executive

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

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

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

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

14 3. Who is fifty (50) years of age or older, medically frail,  
15 and is serving time for one of the following criminal offenses:

16 a. concealing stolen property,

17 b. embezzlement,

18 c. forgery in the first or second degree,

19 d. burglary in the second degree, or

20 e. possession of a controlled dangerous substance,

21 the Executive Director shall place such inmate on the first  
22 available parole review docket for a compassionate parole  
23 consideration. Inmates who meet the criteria set out in this  
24

1 section are not subject to the two-stage hearing process in  
2 subsection C of Section 332.7 of this title.

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

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

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

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

1 placement of the person on the docket for medical parole to any  
2 victim of the crime for which the inmate was convicted by mailing  
3 the notification to the last known address of the victim, if such  
4 information is requested by the victim. The Board shall not give  
5 the address of the inmate to any victim of the crime for which the  
6 inmate was convicted.

7 G. As used in this section:

8 1. "Medically frail" means an individual:

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

16 2. "Medical condition" includes, but is not limited to, the  
17 following:

- 18 a. disabling mental disorders including dementia,  
19 Alzheimer's disease, or similar degenerative brain  
20 disorder,  
21 b. serious and complex medical conditions, or  
22 c. physical disabilities.

23 The term medical condition may also include those individuals  
24 who are enrolled in two or more chronic care clinics for the

1 treatment of Human Immunodeficiency Virus (HIV), Acquired Immune  
2 Deficiency Syndrome (AIDS), cancer, cardiovascular disease, Chronic  
3 Obstructive Pulmonary Disease (COPD), diabetes, Hepatitis C or  
4 seizure disorder, or are expected to continue to need specialty care  
5 or recurrent hospitalizations; and

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

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

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13 56-1-8005 GRS 05/15/17  
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