

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1338

By: Babinec

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9                                   COMMITTEE SUBSTITUTE

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

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

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

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

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

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

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

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

11 3. Who is:

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

13 b. medically frail, and

14 c. serving time for a nonviolent offense,

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

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

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

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

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

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14 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/16/2017 -  
15 DO PASS, As Amended and Coauthored.

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