

1 **SENATE FLOOR VERSION**

2 April 12, 2017

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

By: Babinec and Bennett
(Forrest) of the House

6 and

7 Dugger of the Senate

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10 COMMITTEE SUBSTITUTE

11 [prisons and reformatories - medical paroles -
12 certain inmates - effective date]

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

15 SECTION 1. AMENDATORY 57 O.S. 2011, Section 332.18, as
16 last amended by Section 1, Chapter 42, O.S.L. 2015 (57 O.S. Supp.
17 2016, Section 332.18), is amended to read as follows:

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

1 have the authority to bring any such inmate before the Board at any
2 time, except as otherwise provided in subsection B of this section.

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

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

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

9 3. Who is:

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

11 b. medically frail, and

12 c. not serving time for a violent crime listed in
13 paragraph 2 of Section 571 of this title or a sex
14 crime listed in Section 581 of this title that would
15 require the inmate to register as a sex offender
16 pursuant to the Sex Offenders Registration Act,

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

22 C. No person shall be eligible for consideration for medical
23 parole without the concurrence of at least three members of the
24 Pardon and Parole Board. The vote on whether or not to consider

1 such person for parole and the names of the concurring Board members
2 shall be set forth in the written minutes of the meeting of the
3 Board at which the issue is considered.

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

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

13 F. Prior to the placement of an inmate on the docket for
14 medical parole, the Pardon and Parole Board shall provide written
15 notification to the sheriff and district attorney of the county in
16 which any person on medical parole is to be placed and to the chief
17 law enforcement officer of any incorporated city or town in which
18 the person is to be placed of the placement of the person on medical
19 parole. The Board shall also provide written notification of the
20 placement of the person on the docket for medical parole to any
21 victim of the crime for which the inmate was convicted by mailing
22 the notification to the last known address of the victim, if such
23 information is requested by the victim. The Board shall not give

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1 the address of the inmate to any victim of the crime for which the
2 inmate was convicted.

3 G. As used in this section:

4 1. "Medically frail" means an individual:

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

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

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

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

9 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS

10 April 12, 2017 - DO PASS AS AMENDED
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