

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 1903

 By: Roe

7 AS INTRODUCED

8 An Act relating to prisons and reformatories;
9 amending 57 O.S. 2011, Section 332.18, as last
10 amended by Section 1, Chapter 42, O.S.L. 2015 (57
11 O.S. Supp. 2020, Section 332.18), which relates to
12 requests for medical parole review; updating
13 language; modifying circumstances that authorize
14 medical parole reviews; adding definitions; and
15 providing an effective date.

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 2020, 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 is dying ~~or is,~~ near death, medically frail or medically
5 vulnerable as certified by the medical director of the Department ~~of~~
6 ~~Corrections~~ or whose medical condition has rendered the inmate no
7 longer an unreasonable threat to public safety, the Executive
8 Director shall place such inmate on the first available parole
9 review docket for a compassionate parole consideration. Inmates who
10 meet the criteria set out in this section are not subject to the
11 two-stage hearing process in subsection ~~E~~ D of Section 332.7 of this
12 title.

13 C. No person shall be eligible for consideration for medical
14 parole without the concurrence of at least three members of the
15 ~~Pardon and Parole~~ Board. The vote on whether or not to consider
16 such person for parole and the names of the concurring Board members
17 shall be set forth in the written minutes of the meeting of the
18 Board at which the issue is considered.

19 D. In the event ~~that due to changes in the medical condition of~~
20 ~~the parolee granted medical parole or for other reasons,~~ it is
21 determined that the continuation of ~~the~~ medical parole presents an
22 increased risk to the public, the parolee shall be subject to parole
23 revocation. In such case, the Department ~~of Corrections~~ shall
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1 follow the revocation procedure for violators of parole set forth in
2 Section 516 of this title.

3 E. The provisions of this section shall not apply to inmates
4 serving a sentence of life without the possibility of parole.

5 F. As used in this section:

6 1. "Activities of daily living" means basic personal care and
7 everyday activities that a person cannot perform on his or her own,
8 including tasks such as:

9 a. eating,

10 b. toileting,

11 c. grooming,

12 d. dressing,

13 e. bathing, and

14 f. transferring from one physical position to another,
15 including moving from a reclining position to a
16 sitting or standing position;

17 2. "Dying" or "near death" means an individual with a medical
18 condition and who has an estimated life expectancy of six (6) months
19 or less;

20 3. "Medical condition" includes, but is not limited to, the
21 following:

22 a. disabling mental disorders including dementia,

23 Alzheimer's disease or similar degenerative brain

24 disorders,

- 1 b. human immunodeficiency virus (HIV) or acquired immune
2 deficiency syndrome (AIDS),
- 3 c. cancer,
- 4 d. cardiovascular disease,
- 5 e. chronic lung disease or asthma,
- 6 f. diabetes,
- 7 g. hepatitis C,
- 8 h. seizure disorders,
- 9 i. complications during pregnancy that threaten the
10 health of the pregnant person or fetus including, but
11 not limited to, preeclampsia, fetal abnormalities or
12 fetal distress,
- 13 j. inmates receiving life-sustaining care such as feeding
14 tubes or colostomy bags,
- 15 k. disabling neurological disorders such as multiple
16 sclerosis (MS) or amyotrophic lateral sclerosis (ALS),
17 and
- 18 l. any other condition related to a weakened immune
19 system or that requires or is expected to require
20 specialty care or recurrent hospitalization;

21 4. "Medically frail" means an individual with a medical
22 condition who cannot perform two or more activities of daily living
23 on his or her own; and

1 5. "Medically vulnerable" means an individual with one or more
2 medical conditions who is likely to contract an illness or disease
3 in prison that can lead to death or cause an individual to become
4 medically frail. The term shall only apply during a catastrophic
5 health emergency that has been declared by the Governor pursuant to
6 the provisions of Sections 6401 through 6403 of Title 63 of the
7 Oklahoma Statutes.

8 SECTION 2. This act shall become effective November 1, 2021.

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10 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,
11 dated 02/25/2021 - DO PASS.

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