

# An Act

ENROLLED SENATE  
BILL NO. 320

By: Garvin and Bergstrom of the  
Senate

and

McEntire of the House

An Act relating to medical parole; amending 57 O.S. 2011, Section 332.18, as last amended by Section 1, Chapter 42, O.S.L. 2015 (57 O.S. Supp. 2020, Section 332.18), which relates to placement on docket for parole consideration; modifying qualifying conditions; providing definition; and providing an effective date.

SUBJECT: Provides for certain persons to receive consideration for medical parole

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

SECTION 1. AMENDATORY 57 O.S. 2011, Section 332.18, as last amended by Section 1, Chapter 42, O.S.L. 2015 (57 O.S. Supp. 2020, 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 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 normal processing procedures. Documentation of the medical condition of such inmate shall be certified by the medical director of the Department of Corrections. The Pardon and Parole Board shall have the authority to bring any such inmate before the Board at any time, except as otherwise provided in subsection B of this section.

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

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

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

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

F. As used in this section:

1. "Medically frail" means an individual with a medical condition which precludes the individual from performing two or more activities of daily living on their own;

2. "Medically vulnerable" means an individual with one or more medical conditions which makes the individual more likely to contract an illness or disease while incarcerated that could lead to death or cause an individual to become medically frail. The provisions of this subsection shall only apply during a catastrophic health emergency as declared by the Governor of this state pursuant

to the provisions of Section 6403 of Title 63 of the Oklahoma Statutes;

3. "Medical condition" includes, but is not limited to, debilitating health conditions occurring as a result of the following:

- a. disabling mental disorders including dementia, Alzheimer's disease or similar degenerative brain disorders,
- b. Human Immunodeficiency Virus (HIV) or Acquired Immune Deficiency Syndrome (AIDS),
- c. cancer,
- d. cardiovascular disease,
- e. chronic lung disease or asthma,
- f. diabetes,
- g. hepatitis C,
- h. seizure disorders,
- i. inmates receiving life sustaining care such as feeding tubes or colostomy bags,
- j. disabling neurological disorders such as multiple sclerosis (MS) or amyotrophic lateral sclerosis (ALS), or
- k. any other condition related to a weakened immune system or condition that requires or is expected to require specialty care or recurrent hospitalizations;

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

sitting or standing position, that a person cannot perform on his or her own; and

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

G. Victim notification shall be provided as provided in Section 332.2 of this title and as required by Article 2, Section 34 of the Oklahoma Constitution.

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

Passed the Senate the 10th day of March, 2021.

\_\_\_\_\_  
Presiding Officer of the Senate

Passed the House of Representatives the 21st day of April, 2021.

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Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_