

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 729

By: Dugger

4  
5  
6 AS INTRODUCED

7 An Act relating to medical parole; amending 57 O.S.  
8 2011, Section 332.18, as last amended by Section 1,  
9 Chapter 42, O.S.L. 2015 (57 O.S. Supp. 2020, Section  
10 332.18), which relates to medical parole of  
11 offenders; allowing certain offenders to request  
12 medical parole review; providing definitions; and  
13 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~~:

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~~ a minimal threat to public safety; or

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

11 a. concealing stolen property,

12 b. embezzlement,

13 c. forgery in the first or second degree,

14 d. burglary in the second degree, or

15 e. possession of a controlled dangerous substance,

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

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

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 F. As used in this section:

13 1. "Medically frail" means an individual:

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

21 2. "Medical condition" includes, but is not limited to, the  
22 following:  
23  
24  
25

- 1           a.    disabling mental disorders including dementia,  
2                   Alzheimer's disease or similar degenerative brain  
3                   disorder,  
4           b.    serious and complex medical conditions, or  
5           c.    physical disabilities.

6           The term "medical condition" may also include those individuals  
7 who are enrolled in two or more chronic care clinics for the  
8 treatment of Human Immunodeficiency Virus (HIV), Acquired Immune  
9 Deficiency Syndrome (AIDS), cancer, cardiovascular disease, Chronic  
10 Obstructive Pulmonary Disease (COPD), diabetes, Hepatitis C or  
11 seizure disorder, or are expected to continue to need specialty care  
12 or recurrent hospitalizations; and

13           3. "Activities of daily living" means basic personal care and  
14 everyday activities including tasks such as eating, toileting,  
15 grooming, dressing, bathing and transferring from one physical  
16 position to another including moving from a reclining position to a  
17 sitting or standing position.

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

19  
20           58-1-710           BG           1/21/2021 1:13:50 PM  
21  
22  
23  
24  
25