SB87

187242-2

By Senators Pittman, Brewbaker, Albritton, Allen, Marsh, Reed, Stutts, Waggoner and Coleman-Madison

RFD: Finance and Taxation General Fund

First Read: 07-FEB-17
ENROLLED, An Act,

Relating to medical paroles; to require the Department of Corrections to annually identify all inmates who have spent 30 or more days in an infirmary or under a physician's care and provide that information to the Board of Pardons and Paroles for consideration of medical paroles by the board under certain conditions; to provide for the medical parole of identified inmates under certain conditions; and to require the board to report certain information relating to medical parole to certain legislative committees.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the Alabama Medical Parole Act.

Section 2. For the purposes of this section, the following terms shall have the following meanings:

(1) BOARD. The Board of Pardons and Paroles.

(2) GERIATRIC INMATE. A person 60 years of age or older convicted in this state of a non-capital felony offense and sentenced to the penitentiary, who suffers from a chronic life-threatening infirmity, life-threatening illness, or chronic debilitating disease related to aging, who requires assistance with a necessary daily life function and poses a
(3) NECESSARY DAILY LIFE FUNCTION. Eating, breathing, toileting, walking, or bathing.

(4) PERMANENTLY INCAPACITATED INMATE. A state inmate who satisfies both of the following:

a. Is unable to perform one and requires assistance with one or more necessary daily life functions or who is completely immobile.

b. Has such limited physical or mental ability, strength, or capacity that he or she poses an extremely low risk of physical threat to others or to the community.

(5) TERMINALLY ILL INMATE. A state inmate who has an incurable condition caused by illness or disease which would, with reasonable medical judgment, produce death within 12 months, and who does not constitute a danger to himself or herself or society.

Section 3. (a)(1) The Board of Pardons and Paroles shall establish a special medical parole docket and adopt the rules for implementation pursuant to Section 15-22-24(e), Code of Alabama 1975. For each person considered for medical parole, the board shall determine whether the person is a geriatric inmate, permanently incapacitated inmate, or terminally ill inmate for purposes of placing the person on a special medical parole docket to be considered for parole by
the board. An open public hearing shall be held, pursuant to
Section 15-22-23, Code of Alabama 1975, to consider the
medical parole of the inmate. Notices of the hearing shall be
sent pursuant to Sections 15-22-23, and 15-22-36, Code of
Alabama 1975. The notice shall clearly state the inmate is
being considered for a "medical parole."

(2) The Department of Corrections shall immediately
provide, upon request from the board, a list of geriatric,
permanently incapacitated, and terminally ill inmates who are
otherwise eligible for parole, subject to the limitations
provided under Section 15-22-28(e), Code of Alabama 1975. By
January 1 of each calendar year, the Department of Corrections
shall additionally identify all inmates who have spent more
than 30 or more days in an infirmary in the prior calendar
year or received costly and frequent medical treatment outside
a Department of Corrections facility in the previous 12
months, as well as all inmates suffering from a
life-threatening illness and whose death is imminent within 12
months, who are otherwise parole eligible, subject to the
limitations provided under Section 15-22-28(e), Code of
Alabama 1975, and shall immediately provide this information
to the board to determine if identified inmates may be
considered for a medical parole.

(3) Upon a determination that the inmate is eligible
for a medical parole, the board shall place the inmate on the
next available special medical parole docket pursuant to rules
adopted by the board for the board to consider the individual
for medical parole.

(b) Medical parole consideration shall be in
addition to any other release for which an inmate may be
eligible.

(c) In considering an inmate for medical parole, the
board may request that additional medical evidence be
produced, or that additional medical examinations be conducted
by the Department of Corrections.

(d) In determining factors for a medical parole, the
board shall take into consideration all of the following:

(1) Risk for violence.

(2) Criminal history.

(3) Institutional behavior.

(4) Age of the inmate, currently and at the time of
the offense.

(5) Severity of the illness, disease, or infirmities
and whether the same existed at the time of the offense.

(6) All available medical and mental health records.

(7) Reentry plans, which include alternatives to
caring for terminally ill or permanently incapacitated inmates
in traditional prison settings.

(e) This act shall not apply to inmates convicted of
capital murder or a sex offense.
(f) Unless provided otherwise in this act, any medical parole under this act shall comply with Article 2, Chapter 22, Title 15, Code of Alabama 1975.

(g) The board shall report annually to the Joint Legislative Interim Prison Committee, House Judiciary Sentencing Commission Subcommittee, and the Alabama Sentencing Commission on the number of medical paroles granted, the nature of the illnesses, diseases, and conditions of those paroled, the number of inmates granted and denied medical parole, and the number of cases granted medical parole, but that could not be released. The crimes for which the inmates have been convicted shall also be provided in the annual report. The report shall be made in a manner that does not disclose any individual identifying information for any particular inmate and shall be compliant in all respects with the Health Insurance Portability and Accountability Act.

(h) This act shall not be deemed to grant any entitlement or right to release.

Section 4. This act shall become effective six months following its passage and approval by the Governor, or its otherwise becoming law.
President and Presiding Officer of the Senate

Speaker of the House of Representatives

Patrick Harris,
Secretary.

By: Senator Pittman