

1 ENGROSSED HOUSE
2 BILL NO. 1338

By: Babinec of the House

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4 Dugger of the Senate
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7 An Act relating to prisons and reformatories;
8 amending 57 O.S. 2011, Section 332.18, as last
9 amended by Section 1, Chapter 42, O.S.L. 2015 (57
10 O.S. Supp. 2016, Section 332.18), which relates to
11 medical paroles; allowing certain inmates to request
12 medical parole review; providing restrictions;
13 defining certain terms; and providing an effective
14 date.

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

16 SECTION 1. AMENDATORY 57 O.S. 2011, Section 332.18, as
17 last amended by Section 1, Chapter 42, O.S.L. 2015 (57 O.S. Supp.
18 2016, Section 332.18), is amended to read as follows:

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

14 1. "Medically frail" means an individual:

15 a. who is a minimal threat to society as a result of his
16 or her medical condition,

17 b. whose ability to perform two or more activities of
18 daily living is significantly impaired, and

19 c. who may have limited mobility and ability to transfer
20 from one physical position to another as a result of
21 one or more medical conditions from which he or she is
22 terminal;

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

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

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

3. "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.

SECTION 2. This act shall become effective November 1, 2017.

1 Passed the House of Representatives the 14th day of March, 2017.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2017.

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8 Presiding Officer of the Senate