

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1338

By: Babinec

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9 COMMITTEE SUBSTITUTE

10 An Act relating to prisons and reformatories;
11 amending 57 O.S. 2011, Section 332.18, as last
12 amended by Section 1, Chapter 42, O.S.L. 2015 (57
13 O.S. Supp. 2016, Section 332.18), which relates to
14 medical paroles; allowing certain inmates to request
15 medical parole review; and providing an effective
16 date.

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

18 SECTION 1. AMENDATORY 57 O.S. 2011, Section 332.18, as
19 last amended by Section 1, Chapter 42, O.S.L. 2015 (57 O.S. Supp.
20 2016, Section 332.18), is amended to read as follows:

21 Section 332.18 A. The Director of the Department of
22 Corrections shall have the authority to request the Executive
23 Director of the Pardon and Parole Board to place an inmate on the
24 Pardon and Parole Board docket for a medical reason, out of the
 normal processing procedures. Documentation of the medical

1 condition of such inmate shall be certified by the medical director
2 of the Department of Corrections. The Pardon and Parole Board shall
3 have the authority to bring any such inmate before the Board at any
4 time, except as otherwise provided in subsection B of this section.

5 B. When a request is made for a medical parole review of an
6 inmate ~~who~~:

7 1. Who is dying or is near death as certified by the medical
8 director of the Department of Corrections ~~or whose~~;

9 2. Whose medical condition has rendered the inmate no longer an
10 unreasonable threat to public safety; or

11 3. Who is:

12 a. fifty (50) years of age or older,

13 b. medically frail, and

14 c. serving time for a nonviolent offense,

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

20 C. No person shall be eligible for consideration for medical
21 parole without the concurrence of at least three members of the
22 Pardon and Parole Board. The vote on whether or not to consider
23 such person for parole and the names of the concurring Board members
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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 SECTION 2. This act shall become effective November 1, 2017.

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14 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/16/2017 -
15 DO PASS, As Amended and Coauthored.