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February 25, 2019

AS AMENDED

SENATE BILL NO. 837

By: Dugger of the Senate

and

Ranson of the House

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[ prisons and reformatories - medical paroles -
inmates to request medical parole review -
restrictions - notification - effective date ]
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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. 2018, 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.

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

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

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

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

9 a. concealing stolen property,

10 b. embezzlement,

11 c. forgery in the first or second degree,

12 d. burglary in the second degree, or

13 e. possession of a controlled dangerous substance,

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

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

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

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

10 **F. As used in this section:**

11 1. "Medically frail" means an individual:

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

19 2. "Medical condition" includes, but is not limited to, the
20 following:

- 21 a. disabling mental disorders including dementia,
22 Alzheimer's disease, or similar degenerative brain
23 disorder,
24 b. serious and complex medical conditions, or

1 c. physical disabilities.

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

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

14 SECTION 2. This act shall become effective November 1, 2019.

15 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
16 February 25, 2019 - DO PASS AS AMENDED
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