

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 837

By: Dugger

6 AS INTRODUCED

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. 2018, Section 332.18), which relates to  
11 medical paroles; allowing certain inmates to request  
12 medical parole review; providing restrictions;  
13 directing Pardon and Parole Board to provide written  
14 notification to certain persons prior to placing  
15 inmate on medical parole docket; prohibiting  
16 disclosure of certain information; defining terms;  
17 and providing an effective date.

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

19 SECTION 1. AMENDATORY 57 O.S. 2011, Section 332.18, as  
20 last amended by Section 1, Chapter 42, O.S.L. 2015 (57 O.S. Supp.  
21 2018, Section 332.18), is amended to read as follows:

22 Section 332.18 A. The Director of the Department of  
23 Corrections shall have the authority to request the Executive  
24 Director of the Pardon and Parole Board to place an inmate on the  
25 Pardon and Parole Board docket for a medical reason, out of the  
26 normal processing procedures. Documentation of the medical  
27 condition of such inmate shall be certified by the medical director

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

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

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

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

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

12 a. concealing stolen property,

13 b. embezzlement,

14 c. forgery in the first or second degree,

15 d. burglary in the second degree, or

16 e. possession of a controlled dangerous substance,

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 ~~E~~ D 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. Prior to the placement of an inmate on the docket for  
14 medical parole, the Pardon and Parole Board shall provide written  
15 notification to the sheriff and district attorney of the county in  
16 which any person on medical parole is to be placed and to the chief  
17 law enforcement officer of any incorporated city or town in which  
18 the person is to be placed of the placement of the person on medical  
19 parole. The Board shall also provide written notification of the  
20 placement of the person on the docket for medical parole to any  
21 victim of the crime for which the inmate was convicted by mailing  
22 the notification to the last known address of the victim, if such  
23 information is requested by the victim. The Board shall not give  
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1 the address of the inmate to any victim of the crime for which the  
2 inmate was convicted.

3 G. As used in this section:

4 1. "Medically frail" means an individual:

- 5 a. who is a minimal threat to society as a result of his  
6 or her medical condition,
- 7 b. whose ability to perform two or more activities of  
8 daily living is significantly impaired, and
- 9 c. who may have limited mobility and ability to transfer  
10 from one physical position to another as a result of  
11 one or more medical conditions;

12 2. "Medical condition" includes, but is not limited to, the  
13 following:

- 14 a. disabling mental disorders including dementia,  
15 Alzheimer's disease, or similar degenerative brain  
16 disorder,
- 17 b. serious and complex medical conditions, or
- 18 c. physical disabilities.

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

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

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

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