

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 396

By: Dossett (J.A.)

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6 AS INTRODUCED

7 An Act relating to medical parole; amending 57 O.S.  
8 2011, Section 332.18, as last amended by Section 1,  
9 Chapter 42, O.S.L. 2015 (57 O.S. Supp. 2020, Section  
10 332.18), which relates to placement on docket for  
11 parole consideration; modifying qualifying  
12 conditions; providing definitions; and providing an  
13 effective date.

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

15 SECTION 1. AMENDATORY 57 O.S. 2011, Section 332.18, as  
16 last amended by Section 1, Chapter 42, O.S.L. 2015 (57 O.S. Supp.  
17 2020, Section 332.18), is amended to read as follows:

18 Section 332.18. A. The Director of the Department of  
19 Corrections shall have the authority to request the Executive  
20 Director of the Pardon and Parole Board to place an inmate on the  
21 Pardon and Parole Board docket for a medical reason, out of the  
22 normal processing procedures. Documentation of the medical  
23 condition of such inmate shall be certified by the medical director  
24 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 is dying or is near death, or medically frail or  
5 medically vulnerable as defined in subsection F of this section and  
6 as certified by the medical director of the Department of  
7 Corrections or whose medical condition has rendered the inmate no  
8 longer an unreasonable threat to public safety, the Executive  
9 Director shall place such inmate on the first available parole  
10 review docket for a compassionate parole consideration. Inmates who  
11 meet the criteria set out in this section are not subject to the  
12 two-stage hearing process in subsection C of Section 332.7 of this  
13 title.

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

20 D. In the event that due to changes in the medical condition of  
21 the parolee granted medical parole or for other reasons, it is  
22 determined that the continuation of the medical parole presents an  
23 increased risk to the public, the parolee shall be subject to parole  
24 revocation. In such case, the Department of Corrections shall

1 follow the revocation procedure for violators of parole set forth in  
2 Section 516 of this title.

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

5 F. Definitions:

6 1. "Medically frail" means an individual with a medical  
7 condition who cannot perform two or more activities of daily living  
8 on their own;

9 2. "Medically vulnerable" means an individual with one or more  
10 medical conditions which makes the individual more likely to  
11 contract an illness or disease in prison that could lead to death or  
12 cause an individual to become medically frail;

13 3. "Medical condition" includes, but is not limited to, the  
14 following:

15 a. disabling mental disorders including dementia,  
16 Alzheimer's disease, or similar degenerative brain  
17 disorders,

18 b. Human Immunodeficiency Virus (HIV) or Acquired Immune  
19 Deficiency Syndrome (AIDS),

20 c. cancer,

21 d. cardiovascular disease,

22 e. chronic lung disease or asthma,

23 f. diabetes,

24 g. Hepatitis C,

1            h. seizure disorders,

2            i. pregnancy,

3            j. age at or above fifty (50) years old,

4            k. obesity,

5            l. or any other condition related to a weakened immune  
6            system or requiring or expected to require specialty  
7            care or recurrent hospitalization;

8            4. "Activities of daily living" means basic personal care and  
9            everyday activities including tasks such as eating, toileting,  
10           grooming, dressing, bathing and transferring from one physical  
11           position to another including moving from a reclining position to a  
12           sitting or standing position that a person cannot perform on their  
13           own; and

14           5. "Dying" or "near death" means an individual with a medical  
15           condition and who has an estimated life expectancy of six (6) months  
16           or less.

17           SECTION 2. This act shall become effective November 1, 2021.

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