

8 SYNOPSIS: This bill would provide for the medical
9 parole of certain inmates suffering from
10 life-threatening illnesses when death is imminent
11 and who meet certain criteria.

12 This bill would require the Department of
13 Corrections to annually identify all inmates who
14 have spent 30 or more days in an infirmary or under
15 a physician's care and provide that information to
16 the Board of Pardons and Paroles for consideration
17 of medical paroles by the board under certain
18 conditions.
19

20 A BILL
21 TO BE ENTITLED
22 AN ACT
23

24 Relating to medical paroles; to require the
25 Department of Corrections to annually identify all inmates who
26 have spent 30 or more days in an infirmary or under a
27 physician's care and provide that information to the Board of

1 Pardons and Paroles for consideration of medical paroles by
2 the board under certain conditions; to provide for the medical
3 parole of identified inmates under certain conditions; and to
4 require the board to report certain information relating to
5 medical parole to certain legislative committees.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. This act shall be known and may be cited
8 as the Alabama Medical Parole Act.

9 Section 2. For the purposes of this section, the
10 following terms shall have the following meanings:

11 (1) BOARD. The Board of Pardons and Paroles.

12 (2) GERIATRIC INMATE. A person 55 years of age or
13 older convicted in this state of a non-capital felony offense
14 and sentenced to the penitentiary, who suffers from a chronic
15 life-threatening infirmity, life-threatening illness, or
16 chronic debilitating disease related to aging, who poses a low
17 risk to the community, and who does not constitute a danger to
18 himself or herself or society.

19 (3) NECESSARY DAILY LIFE FUNCTION. Eating,
20 breathing, toileting, walking, or bathing.

21 (4) PERMANENTLY INCAPACITATED INMATE. A state inmate
22 who satisfies both of the following:

23 a. Requires assistance in order to perform two or
24 more necessary daily life functions or who is completely
25 immobile.

1 b. Has such limited physical or mental ability,
2 strength, or capacity that he or she poses an extremely low
3 risk of physical threat to others or to the community.

4 (5) TERMINALLY ILL INMATE. A state inmate who has an
5 incurable condition caused by illness or disease which would,
6 with reasonable medical judgment, produce death within 12
7 months, and who does not constitute a danger to himself or
8 herself or society.

9 Section 3. (a) (1) The Board of Pardons and Paroles
10 shall establish a special medical parole docket and adopt the
11 rules for implementation pursuant to Section 15-22-24(e), Code
12 of Alabama 1975. For each person considered for medical
13 parole, the board shall determine whether the person is a
14 geriatric inmate, permanently incapacitated inmate, or
15 terminally ill inmate for purposes of placing the person on a
16 special medical parole docket to be considered for parole by
17 the board.

18 (2) The Department of Corrections shall immediately
19 provide, upon request from the board, a list of geriatric,
20 permanently incapacitated, and terminally ill inmates who are
21 otherwise eligible for parole. By January 1 of each calendar
22 year, the Department of Corrections shall additionally
23 identify all inmates who have spent more than 30 or more days
24 in an infirmary or under a physician's care in the prior
25 calendar year, as well as all inmates suffering from a
26 life-threatening illness and whose death is imminent within
27 the year, who are otherwise parole eligible, and shall

1 immediately provide this information to the board to determine
2 if identified inmates are eligible for a medical parole.

3 (3) Upon a determination that the inmate is eligible
4 for a medical parole, the board shall place the inmate on a
5 special medical parole docket within 30 days pursuant to rules
6 adopted by the board for the board to consider the individual
7 for medical parole and in accordance with all provisions of
8 law regarding parole established by Article 2, Chapter 22,
9 Title 15, Code of Alabama 1975.

10 (b) Medical parole consideration shall be in
11 addition to any other release for which an inmate may be
12 eligible.

13 (c) In considering an inmate for medical parole, the
14 board may request that additional medical evidence be
15 produced, or that additional medical examinations be conducted
16 by the Department of Corrections.

17 (g) The board shall report annually to the Joint
18 Legislative Interim Prison Committee, House Judiciary
19 Sentencing Commission Subcommittee, and the Alabama Sentencing
20 Commission on the number of medical paroles granted, the
21 nature of the illnesses, diseases, and conditions of those
22 paroled, the number of inmates granted and denied medical
23 parole, and the number of cases granted medical parole, but
24 that could not be released. The report shall be made in a
25 manner that does not disclose any individual identifying
26 information for any particular inmate and shall be compliant

1 in all respects with the Health Insurance Portability and
2 Accountability Act.

3 Section 4. This act shall become effective
4 immediately following its passage and approval by the
5 Governor, or its otherwise becoming law.