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3 SUBSTITUTE FOR SB87
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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 60 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 requires
17 assistance with a necessary daily life function and poses a
18 low risk to the community, and who does not constitute a
19 danger to himself or herself or society.

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

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

24 a. Is unable to perform one and requires assistance
25 with one or more necessary daily life functions or who is
26 completely 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. An open public hearing shall be held, pursuant to
18 Section 15-22-23, Code of Alabama 1975, to consider the
19 medical parole of the inmate. Notices of the hearing shall be
20 sent pursuant to Sections 15-22-23, and 15-22-36, Code of
21 Alabama 1975. The notice shall clearly state the inmate is
22 being considered for a "medical parole."

23 (2) The Department of Corrections shall immediately
24 provide, upon request from the board, a list of geriatric,
25 permanently incapacitated, and terminally ill inmates who are
26 otherwise eligible for parole, subject to the limitations
27 provided under Section 15-22-28(e), Code of Alabama 1975. By

1 January 1 of each calendar year, the Department of Corrections
2 shall additionally identify all inmates who have spent more
3 than 30 or more days in an infirmary in the prior calendar
4 year or received costly and frequent medical treatment outside
5 a Department of Corrections facility in the previous 12
6 months, as well as all inmates suffering from a
7 life-threatening illness and whose death is imminent within 12
8 months, who are otherwise parole eligible, subject to the
9 limitations provided under Section 15-22-28(e), Code of
10 Alabama 1975, and shall immediately provide this information
11 to the board to determine if identified inmates may be
12 considered for a medical parole.

13 (3) Upon a determination that the inmate is eligible
14 for a medical parole, the board shall place the inmate on the
15 next available special medical parole docket pursuant to rules
16 adopted by the board for the board to consider the individual
17 for medical parole.

18 (b) Medical parole consideration shall be in
19 addition to any other release for which an inmate may be
20 eligible.

21 (c) In considering an inmate for medical parole, the
22 board may request that additional medical evidence be
23 produced, or that additional medical examinations be conducted
24 by the Department of Corrections.

25 (d) In determining factors for a medical parole, the
26 board shall take into consideration all of the following:

27 (1) Risk for violence.

1 (2) Criminal history.

2 (3) Institutional behavior.

3 (4) Age of the inmate, currently and at the time of
4 the offense.

5 (5) Severity of the illness, disease, or infirmities
6 and whether the same existed at the time of the offense.

7 (6) All available medical and mental health records.

8 (7) Reentry plans, which include alternatives to
9 caring for terminally ill or permanently incapacitated inmates
10 in traditional prison settings.

11 (e) This act shall not apply to inmates convicted of
12 capital murder or a sex offense.

13 (f) Unless provided otherwise in this act, any
14 medical parole under this act shall comply with Article 2,
15 Chapter 22, Title 15, Code of Alabama 1975.

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

1 particular inmate and shall be compliant in all respects with
2 the Health Insurance Portability and Accountability Act.

3 (h) This act shall not be deemed to grant any
4 entitlement or right to release.

5 Section 4. This act shall become effective six
6 months following its passage and approval by the Governor, or
7 its otherwise becoming law.