

1 HB581
2 210479-1
3 By Representative England
4 RFD: Judiciary
5 First Read: 01-APR-21

8 SYNOPSIS: Under existing law, medical parole is
9 available for certain inmates suffering from
10 life-threatening illnesses when death is imminent
11 and certain criteria are met.

12 Under existing law, an inmate must be 60
13 years old and not convicted of a capital offense to
14 be eligible for medical parole.

15 This bill would provide that an inmate is
16 eligible for medical parole at the age of 50 and
17 regardless of the offense.

18 Under existing law, an inmate is not
19 eligible for medical parole until he or she has
20 reached his or her initial parole consideration
21 date.

22 This bill would provide that an inmate is
23 eligible for medical parole after he or she has
24 served 15 years of his or her sentence.

26 A BILL
27 TO BE ENTITLED

1 AN ACT

2
3 Relating to medical parole; to amend Sections
4 15-22-42 and 15-22-43, Code of Alabama 1975; to further
5 provide for the medical parole of certain inmates under
6 certain circumstances.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Sections 15-22-42 and 15-22-43, Code of
9 Alabama 1975, are amended to read as follows:

10 "§15-22-42.

11 "For the purposes of this article, the following
12 terms shall have the following meanings:

13 "(1) BOARD. The Board of Pardons and Paroles.

14 "(2) GERIATRIC INMATE. A person ~~60~~ 50 years of age
15 or older convicted in this state of ~~a non-capital felony~~ any
16 offense and sentenced to the penitentiary, who suffers from a
17 chronic life-threatening infirmity, life-threatening illness,
18 or chronic debilitating disease related to aging, who requires
19 assistance with a necessary daily life function and poses a
20 low risk to the community, and who does not constitute a
21 danger to himself or herself or society.

22 "(3) NECESSARY DAILY LIFE FUNCTION. Eating,
23 breathing, toileting, walking, or bathing.

24 "(4) PERMANENTLY INCAPACITATED INMATE. A state
25 inmate who satisfies both of the following:

1 "a. Is unable to perform one and requires assistance
2 with one or more necessary daily life functions or who is
3 completely immobile.

4 "b. Has such limited physical or mental ability,
5 strength, or capacity that he or she poses an extremely low
6 risk of physical threat to others or to the community.

7 "(5) TERMINALLY ILL INMATE. A state inmate who has
8 an incurable condition caused by illness or disease which
9 would, with reasonable medical judgment, produce death within
10 12 months, and who does not constitute a danger to himself or
11 herself or society.

12 "§15-22-43.

13 "(a) (1) The Board of Pardons and Paroles shall
14 establish a special medical parole docket and adopt the rules
15 for implementation pursuant to Section 15-22-24(e). For each
16 person considered for medical parole, the board shall
17 determine whether the person is a geriatric inmate,
18 permanently incapacitated inmate, or terminally ill inmate for
19 purposes of placing the person on a special medical parole
20 docket to be considered for parole by the board. An open
21 public hearing shall be held, pursuant to Section 15-22-23, to
22 consider the medical parole of the inmate. Notices of the
23 hearing shall be sent pursuant to Sections 15-22-23 and
24 15-22-36. The notice shall clearly state the inmate is being
25 considered for a medical parole.

26 "(2) The Department of Corrections shall immediately
27 provide, upon request from the board, a list of geriatric,

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

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

21 "(b) Medical parole consideration shall be in
22 addition to any other release for which an inmate may be
23 eligible.

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

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

3 "(1) Risk for violence.

4 "(2) Criminal history.

5 "(3) Institutional behavior.

6 "(4) Age of the inmate, currently and at the time of
7 the offense.

8 "(5) Severity of the illness, disease, or
9 infirmities and whether the same existed at the time of the
10 offense.

11 "(6) All available medical and mental health
12 records.

13 "(7) Reentry plans, which include alternatives to
14 caring for terminally ill or permanently incapacitated inmates
15 in traditional prison settings.

16 "~~(e) This article shall not apply to inmates~~
17 ~~convicted of capital murder or a sex offense.~~

18 "~~(f)~~ (e) Unless provided otherwise in this article,
19 any medical parole under this article shall comply with
20 Article 2, Chapter 22, Title 15.

21 "~~(g)~~ (f) The board shall report annually to the
22 Joint Legislative Interim Prison Committee, House Judiciary
23 Sentencing Commission Subcommittee, and the Alabama Sentencing
24 Commission on the number of medical paroles granted, the
25 nature of the illnesses, diseases, and conditions of those
26 paroled, the number of inmates granted and denied medical
27 parole, and the number of cases granted medical parole, but

1 that could not be released. The crimes for which the inmates
2 have been convicted shall also be provided in the annual
3 report. The report shall be made in a manner that does not
4 disclose any individual identifying information for any
5 particular inmate and shall be compliant in all respects with
6 the Health Insurance Portability and Accountability Act.

7 "~~(h)~~ (g) This article shall not be deemed to grant
8 any entitlement or right to release."

9 Section 2. This act shall become effective
10 immediately following its passage and approval by the
11 Governor, or its otherwise becoming law.