

SB56 INTRODUCED



1 SB56
2 SW9W785-1
3 By Senators Roberts, Singleton, Smitherman, Chambliss, Jones
4 RFD: Judiciary
5 First Read: 04-Feb-25



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SYNOPSIS:

Under existing law, an inmate who meets certain medical criteria may be considered for medical parole.

This bill would modify the requirements for an inmate to be eligible for medical parole.

This bill would require the Board of Pardons and Paroles to hold a medical parole hearing within 90 days of an inmate becoming eligible for medical parole.

This bill would provide for appellate relief for an inmate who is denied medical parole.

Under existing law, the Commissioner of the Department of Corrections may grant medical furlough to an inmate if he or she meets certain medical criteria.

This bill would modify the requirements for an inmate to be eligible for medical furlough.

This bill would authorize an inmate released on medical furlough to reside in any state.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT



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29
30 Relating to the Board of Pardons and Paroles and the
31 Department of Corrections; to amend Sections 15-22-42 and
32 15-22-43, Code of Alabama 1975, to further provide for
33 eligibility requirements for medical parole; to require the
34 board to hold a medical parole hearing within a specified
35 period of time; to provide for appellate relief for an inmate
36 who was denied medical parole; to amend Sections 14-14-2,
37 14-14-3, 14-14-4, and 14-14-5, Code of Alabama 1975, to
38 further provide for the eligibility requirements for medical
39 furlough; to provide that an inmate released on medical
40 furlough may reside in any state; and to make nonsubstantive,
41 technical revision to update the existing code language to
42 current style.

43 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

46 "§15-22-42

47 For the purposes of this article, the following terms
48 ~~shall~~ have the following meanings:

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

50 (2) GERIATRIC INMATE. ~~A person 60~~ An inmate who: (i) is
51 65 years of age or older ~~convicted in this state of a~~
52 ~~non-capital felony offense and sentenced to the penitentiary,~~
53 ~~who;~~ (ii) suffers from a chronic life-threatening infirmity,
54 life-threatening illness, or chronic debilitating disease
55 related to aging, ~~who;~~ (iii) requires assistance with a
56 necessary daily life function; and (iv) poses a low risk to



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57 the community~~r~~ and ~~who~~ does not constitute a danger to himself
58 ~~or~~, herself~~,~~, or society.

59 (3) NECESSARY DAILY LIFE FUNCTION. Eating, breathing,
60 toileting, walking, or bathing.

61 (4) PERMANENTLY INCAPACITATED INMATE. ~~A state~~An inmate
62 who ~~satisfies both of the following:~~a. Is: (i) is unable to
63 perform one and requires assistance with one or more necessary
64 daily life functions~~,~~, or ~~who~~ is completely immobile.~~b. Has;~~
65 and (ii) has such limited physical or mental ability,
66 strength, or capacity that he or she poses an extremely low
67 risk of physical threat to others or ~~to~~ the community.

68 (5) TERMINALLY ILL INMATE. ~~A state~~An inmate who: (i)
69 has an incurable condition caused by illness or disease ~~which~~
70 that would, with reasonable medical judgment, produce death
71 within 12 months~~r;~~; and ~~who~~ (ii) does not constitute a danger
72 to himself~~or~~, herself~~,~~, or society."

73 "§15-22-43

74 (a) ~~(1) The~~ Notwithstanding any other law to the
75 contrary, the Board of Pardons and Paroles shall establish a
76 ~~special~~ medical parole docket ~~and adopt the rules for~~
77 ~~implementation pursuant to Section 15-22-24(e). For each~~
78 ~~person considered for medical parole, the board shall~~
79 ~~determine whether the person is a~~ .

80 (b) The following inmates shall be eligible for medical
81 parole as long as he or she is at least 65 years of age and
82 has served a minimum of 25 years of his or her sentence: (i) a
83 geriatric inmate~~r;~~; (ii) a permanently incapacitated inmate~~r~~
84 ~~or;~~ (iii) a terminally ill inmate ~~for purposes of placing the~~



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85 ~~person on a special medical parole docket to be considered for~~
86 ~~parole by the board;~~ (iv) an inmate who has spent 30 or more
87 days in an infirmary in the prior calendar year; and (v) an
88 inmate who has received costly and frequent medical treatment
89 outside a Department of Corrections facility in the previous
90 12 months.

91 (c) An open public hearing shall be held, pursuant to
92 Section 15-22-23, to consider the medical parole of the
93 inmate. Notices of the hearing shall be sent pursuant to
94 Sections 15-22-23 and 15-22-36. The notice shall clearly state
95 the inmate is being considered for a medical parole.

96 ~~(2) The~~ (d) (1) By the first day of each month, the
97 Department of Corrections shall ~~immediately provide, upon~~
98 ~~request from to~~ the board, a list of geriatric, permanently
99 incapacitated, and terminally ill inmates who are ~~otherwise~~
100 ~~eligible for parole, subject to the limitations provided under~~
101 ~~Section 15-22-28(e)~~ in the department's physical custody. The
102 determination of whether an inmate is geriatric, permanently
103 incapacitated, or terminally ill shall be made by a physician
104 employed by the department or its health care provider.

105 (2) By January 1 of each calendar year, the Department
106 of Corrections shall ~~additionally identify~~ provide to the
107 board a list of all inmates in the department's physical
108 custody who have spent ~~more than~~ 30 or more days in an
109 infirmary in the prior calendar year or received costly and
110 frequent medical treatment outside a Department of Corrections
111 facility in the previous 12 months, ~~as well as all inmates~~
112 ~~suffering from a life-threatening illness and whose death is~~



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113 ~~imminent within 12 months, who are otherwise parole eligible,~~
114 ~~subject to the limitations provided under Section 15-22-28(e),~~
115 ~~and shall immediately provide this information to the board to~~
116 ~~determine if identified inmates may be considered for a~~
117 ~~medical parole.~~

118 ~~(3) Upon a determination that the inmate is eligible~~
119 ~~for a medical parole, the board shall place the inmate on the~~
120 ~~next available special medical parole docket pursuant to rules~~
121 ~~adopted by the board for the board to consider the individual~~
122 ~~for medical parole.~~ (e) Within 90 days of the board receiving
123 the list from the Department of Corrections, as required in
124 subsection (d), the board shall hold a medical parole hearing
125 if the board determines the inmate is eligible for medical
126 parole.

127 ~~(b)~~ (f) Medical parole consideration shall be in
128 addition to any other release for which an inmate may be
129 eligible.

130 ~~(e)~~ (g) In considering an inmate for medical parole, the
131 board may request ~~that~~ additional medical evidence be
132 produced, or ~~that~~ additional medical examinations be conducted
133 by the Department of Corrections.

134 ~~(d)~~ (h) In determining factors for a medical parole, the
135 board shall take into consideration all of the following:

136 (1) Risk for violence.

137 (2) Criminal history.

138 (3) Institutional behavior.

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



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

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

144 (7) Reentry plans, which include alternatives to caring
145 for terminally ill or permanently incapacitated inmates in
146 traditional prison settings.

147 ~~(e)~~ (i) This article shall not apply to inmates
148 convicted of capital murder or a sex offense or sentenced to
149 life imprisonment without the possibility of parole.

150 ~~(f) Unless provided otherwise in this article, any~~
151 ~~medical parole under this article shall comply with Article 2,~~
152 ~~Chapter 22, Title 15.~~

153 (j) (1) An inmate whose medical parole is denied shall
154 have the right to appeal the denial as provided in this
155 subsection.

156 (2) Within 42 days of the board denying an inmate
157 medical parole, the inmate, or an individual acting on the
158 inmate's behalf, may appeal the decision.

159 (3) The venue for the appeal shall be the circuit court
160 of the county of the inmate's last conviction.

161 (4) The petition shall be heard by the circuit judge
162 who presided over the trial of the last conviction or, if the
163 judge is no longer serving, by any of the circuit judges in
164 the circuit.

165 (5) Review by the court shall be de novo without a
166 jury.

167 (6) The decision by the court may be appealed pursuant
168 to the court of criminal appeals and is subject to the Rules



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169 of Appellate Procedure.

170 ~~(g)~~ (k) (1) The board shall annually report ~~annually~~ to
171 the Joint ~~Legislative Interim~~ Prison Oversight Committee,
172 ~~House Judiciary Sentencing Commission Subcommittee~~, and the
173 Alabama Sentencing Commission ~~on the~~ all of the following:

174 a. The number of inmates eligible for medical ~~paroles~~
175 ~~granted, the~~ parole.

176 b. The nature of the illnesses, diseases, and
177 conditions of those inmates paroled, ~~the~~ .

178 c. The number of inmates granted and denied medical
179 parole, ~~and the~~ .

180 d. The number of ~~cases~~ inmates granted medical parole,
181 ~~but that who~~ could not be released.

182 e. The crimes for which the inmates have been convicted
183 ~~shall also be provided in the annual report.~~

184 (2) The report shall be made in a manner that does not
185 disclose any individual identifying information for any
186 particular inmate and shall be compliant in all respects with
187 the Health Insurance Portability and Accountability Act.

188 ~~(h)~~ (l) This article shall not be deemed to grant any
189 entitlement or right to release."

190 Section 2. Sections 14-14-2, 14-14-3, 14-14-4, and
191 14-14-5, Code of Alabama 1975, are amended to read as follows:

192 "§14-14-2

193 For purposes of this chapter, the following words ~~shall~~
194 have the following meanings:

195 (1) COMMISSIONER. The Commissioner of the Department of
196 Corrections.



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197 (2) DEPARTMENT. The Department of Corrections.

198 (3) GERIATRIC INMATE. ~~A person 55~~ An inmate who: (i) is
199 65 years of age or older ~~convicted in this state of a~~
200 ~~non-capital felony offense and sentenced to the penitentiary,~~
201 ~~who;~~ (ii) suffers from a chronic life-threatening infirmity,
202 life-threatening illness, or chronic debilitating disease
203 related to aging, ~~who;~~ (iii) poses a low risk to the
204 community, ~~and who;~~ and (iv) does not constitute a danger to
205 himself ~~or,~~ herself, or society.

206 (4) PERMANENTLY INCAPACITATED INMATE. ~~A state~~ An inmate
207 who: (i) possesses a permanent, irreversible physical or
208 mental health condition that prevents him or her from being
209 able to perpetrate a violent physical action upon another
210 person or self or initiate or participate in a criminal act.
211 ~~The medical or mental health treatment or need for assistance~~
212 ~~of such individual must require;~~ (ii) requires daily
213 assistance from a caretaker or a long-term skilled medical or
214 rehabilitation center to perform or assist with activities of
215 daily living, such as ambulation, dressing, and bathing ~~and/or~~
216 ~~must require;~~ (iii) requires medications or treatments, such
217 as hemodialysis, to sustain life which require regular
218 diagnostic tests to monitor therapeutic effectiveness.
219 ~~Long-term;~~ and (iv) requires long-term care and housing needs
220 ~~of such individual with a physical or mental health condition~~
221 ~~described above must have the potential to~~ that exceed the
222 capabilities ~~to provide such need within the confinement of a~~
223 of what the department has the ability to provide in a secure
224 correctional facility within the department.



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225 (5) TERMINALLY ILL INMATE. ~~A person convicted of a~~
226 ~~non-capital felony offense who is sentenced to the~~
227 ~~penitentiary and~~ An inmate who: (i) has an incurable condition
228 caused by illness or disease ~~which~~ that would, with reasonable
229 medical judgment, produce death within 12 months~~;~~ ; and ~~who~~
230 (ii) does not constitute a danger to himself ~~or~~ , herself~~,~~ , or
231 society."

232 "§14-14-3

233 ~~(a) No physical or medical condition that existed at~~
234 ~~the time of sentencing shall provide the basis for medical~~
235 ~~furlough under this chapter, unless the inmate has become~~
236 ~~permanently incapacitated or terminally ill after the date of~~
237 ~~sentencing. In considering an inmate's eligibility for medical~~
238 ~~furlough, the department shall take into consideration the age~~
239 ~~of the inmate at the time the crime was committed.~~

240 ~~(b) No inmate shall be considered for medical furlough~~
241 ~~unless the inmate consents in writing to the release after a~~
242 ~~written explanation of the inmate's medical needs and the~~
243 ~~availability of medical services, unless the inmate is not~~
244 ~~capable of consent as determined by a medical professional.~~

245 ~~(c) No~~ An inmate ~~shall~~ may not be considered for medical
246 furlough unless he or she would be Medicaid or Medicare
247 eligible at the time of release or if a member of the inmate's
248 family agrees in writing to assume financial responsibility
249 for the inmate, including, but not limited to, the medical
250 needs of the inmate."

251 "§14-14-4

252 (a) The department shall establish a medical furlough



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253 program. The commissioner shall adopt the rules and
254 regulations for implementation of the medical furlough
255 program. ~~For each person considered for medical furlough, the~~
256 ~~commissioner shall determine whether the person is a~~

257 (b) The following inmates shall be eligible for medical
258 furlough as long as he or she is at least 65 years of age and
259 has served a minimum of 25 years of his or her sentence: (i) a
260 geriatric inmate; (ii) a permanently incapacitated inmate;
261 ~~or;~~ and (iii) a terminally ill inmate.

262 ~~(b)~~ (c) Notwithstanding any other law to the contrary,
263 an inmate who has not served his or her minimum sentence shall
264 be considered eligible for consideration for furlough under
265 this chapter.

266 ~~(c)~~ (d) This chapter shall not apply to inmates
267 convicted of capital murder or a ~~sexual~~ sex offense or an
268 inmate sentenced to life imprisonment without the possibility
269 of parole.

270 ~~(d)~~ (e) Medical furlough consideration shall be in
271 addition to any other release for which an inmate may be
272 eligible.

273 ~~(e)~~ (f) The commissioner shall determine the conditions
274 of release of any inmate pursuant to this chapter, including
275 the appropriate level of supervision of the inmate, and shall
276 develop a discharge plan for each inmate released under this
277 chapter. Prior to the commissioner granting any release based
278 on the appropriate medical documentation pursuant to
279 ~~subsection (b) of~~ Section 14-14-5, employees of the department
280 shall contact appropriate departments and agencies, ~~which may~~



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281 ~~include~~including, but ~~shall not be~~ limited to, the Department
282 of Public Health, the Department of Human Resources, Medicare,
283 Medicaid, hospice organizations, or other public and nonprofit
284 community service agencies as the commissioner may deem
285 necessary for consultation in developing an appropriate
286 discharge plan, and to confirm that required care and
287 resources are available to meet the inmate's needs. This
288 chapter is not intended to expand or create new
289 responsibilities for public agencies for arranging and
290 providing care.

291 ~~(f)~~ (g) In considering an inmate for medical furlough,
292 the department may request that additional medical evidence be
293 produced, or that additional medical examinations be
294 conducted.

295 ~~(g)~~ (h) Except as provided ~~herein~~ in subsection (i), the
296 furlough of an inmate on medical furlough shall be for the
297 remainder of the inmate's sentence. In addition to terms and
298 conditions prescribed by the department, supervision of an
299 inmate on medical furlough shall at a minimum consist of
300 biannual medical evaluations by a medical care provider at
301 intervals to be determined by the commissioner at the time of
302 release.

303 ~~(h) If the~~ (i) The commissioner shall revoke an
304 inmate's medical furlough if any of the following occur:

305 (1) The medical condition of an inmate released
306 pursuant to this chapter ~~should improve~~ improves to the extent
307 that he or she no longer meets the criteria by which he or she
308 was released, ~~or if he~~ .



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309 (2) He or she violates a condition of release ~~or~~.

310 (3) He or she becomes a danger to himself ~~or~~, herself,
311 or others, ~~the commissioner shall revoke the furlough.~~

312 ~~(i)~~ (j) (1) The commissioner shall annually report
313 ~~annually~~ to the Joint ~~Legislative Interim~~ Prison Oversight
314 Committee, ~~House Judiciary Sentencing Commission Subcommittee,~~
315 and the Alabama Sentencing Commission ~~on the~~ all of the
316 following:

317 a. The number of applications for medical furlough,
318 including the nature of the illnesses, diseases, and
319 conditions of the applicants, ~~the~~.

320 b. The number of inmates granted and denied release,
321 ~~and the~~.

322 c. The number of ~~persons~~ inmates on medical furlough
323 who have been returned to the custody of the department.

324 d. The ~~commissioner shall further report on the~~ status
325 of all inmates who meet the criteria for medical furlough as
326 defined in Section ~~14-14-2~~ 14-14-4. ~~This report shall include~~
327 ~~those~~

328 e. Those individuals who have spent more than 30
329 calendar days within the prior ~~12-month~~ 12-month time period
330 in an infirmary or under direct medical supervision for the
331 medical condition associated with the furlough request or its
332 comorbidities.

333 (2) The report shall be made in a manner that does not
334 disclose any individual identifying information for any
335 particular inmate and shall be compliant in all respects with
336 the Health Insurance Portability and Accountability Act."



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337 "§14-14-5

338 (a) An inmate, or any concerned person, including, but
339 not limited to, the inmate's attorney, family, physician, or
340 an employee or official of the department, ~~may initiate~~
341 ~~consideration~~ apply for medical furlough by submitting to the
342 department ~~an initial~~ a medical ~~release~~ furlough application
343 form along with supporting documentation as required by the
344 department. The department shall provide an inmate with a copy
345 of all supporting documentation upon a request. Supporting
346 documentation shall include all of the following:

347 (1) Information concerning the inmate's medical
348 history, prognosis, and age.

349 (2) Medical authorization form.

350 (3) ~~(b) (1) The initial application form shall include~~
351 ~~the~~ A report of a physician ~~or physicians~~ employed by the
352 department or its health care provider ~~and a~~ stating the
353 physician is of the opinion the inmate is eligible for medical
354 furlough pursuant to Section 14-14-4(b).

355 (4) A notarized report of at least one other ~~duly~~
356 licensed physician who is board certified in the field of
357 medicine for which the inmate is seeking a medical furlough
358 ~~and,~~ who is not an employee of the department. ~~These reports~~
359 ~~shall each be,~~ stating the physician is of the opinion that
360 the inmate is ~~either terminally ill, permanently~~
361 ~~incapacitated, or that the inmate suffers from a chronic~~
362 ~~infirmity, illness, or disease related to aging~~ eligible for
363 medical furlough pursuant to Section 14-14-4(b).

364 ~~(2)~~ (b) The commissioner shall provide the ~~initial~~



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365 medical furlough application form and medical authorization
366 forms to all department medical care providers, ~~and.~~
367 Additionally, the forms shall be available at every
368 correctional facility for distribution to inmates.

369 (c) Consideration for medical furlough shall be
370 initiated by the submission of ~~an~~ a medical furlough
371 application form, along with supporting documentation, to the
372 commissioner from the department, the inmate, or the inmate's
373 representative, ~~along with the department's supporting~~
374 ~~documentation to the commissioner.~~

375 (d) If the appropriate medical documentation pursuant
376 to subsection ~~(b)~~ (a) has indicated that the inmate is
377 ~~permanently incapacitated or terminally ill~~ eligible for
378 medical furlough, the commissioner, within ~~60~~ 30 days of
379 receipt of ~~an initial~~ a completed medical furlough application
380 form, shall make a decision regarding the release of the
381 inmate on medical furlough pursuant to ~~the provisions of this~~
382 chapter. ~~The initial application form and supporting document~~
383 ~~of inmates, who have been diagnosed by a physician as~~
384 ~~suffering from a chronic illness or disease related to aging,~~
385 ~~shall be submitted to the commissioner within 60 days of~~
386 ~~receipt of the application by the department. Supporting~~
387 ~~documentation shall include information concerning the~~
388 ~~inmate's medical history and prognosis, age, and institutional~~
389 ~~behavior. At the inmate's request, the department shall also~~
390 ~~provide a copy of all supporting documentation to the inmate.~~

391 (e) In determining eligibility factors for a medical
392 furlough, the commissioner shall take into consideration all



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393 of the following factors:

394 (1) Risk for violence.

395 (2) Criminal history.

396 (3) Institutional behavior.

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

399 (5) Severity of the illness, disease, or infirmities.

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

401 (7) Release plans, which include alternatives to caring
402 for terminally ill or permanently incapacitated inmates in
403 traditional prison settings.

404 (f) (1) If the commissioner determines that a geriatric
405 inmate, permanently incapacitated inmate, or terminally ill
406 inmate meets the requirements for release to medical furlough
407 pursuant to this chapter, the commissioner shall release the
408 inmate on medical furlough pursuant to ~~the provisions of~~ this
409 chapter within ~~90~~-75 days of receipt by the commissioner of
410 the ~~initial-completed medical furlough~~ application form and
411 supporting documentation.

412 (2) An inmate released on medical furlough may reside
413 in this state or another state contiguous to this state.

414 (g) The commissioner shall ~~have the authority to~~
415 revoke the inmate's furlough pursuant to ~~subsection (h) of~~
416 Section 14-14-4(i).

417 ~~(g) (h)~~ At least 30 days prior to release of ~~a geriatric~~
418 ~~inmate, permanently incapacitated inmate, or terminally ill~~ an
419 inmate under subsection (f), the commissioner shall provide
420 notification of the medical furlough release to the district



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421 attorney of the jurisdiction where the inmate was last
422 sentenced and shall also provide notification of the medical
423 furlough release to the victim, victim's representative, and
424 other interested individual via certified mail, return receipt
425 requested, or by using the automated victim notification
426 system as provided in Section 15-22-36 and Section
427 15-22-36.2."

428 Section 3. This act shall become effective on October
429 1, 2025.