

1 SB87  
2 183672-3  
3 By Senators Pittman, Brewbaker, Albritton, Allen, Marsh, Reed,  
4 Stutts, Waggoner and Coleman-Madison  
5 RFD: Finance and Taxation General Fund  
6 First Read: 07-FEB-17

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to medical paroles; to require the  
12 Department of Corrections to annually identify all inmates who  
13 have spent 30 or more days in an infirmary or under a  
14 physician's care and provide that information to the Board of  
15 Pardons and Paroles for consideration of medical paroles by  
16 the board under certain conditions; to provide for the medical  
17 parole of identified inmates under certain conditions; and to  
18 require the board to report certain information relating to  
19 medical parole to certain legislative committees.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

26 (2) GERIATRIC INMATE. A person 55 years of age or  
27 older convicted in this state of a non-capital felony offense

1 and sentenced to the penitentiary, who suffers from a chronic  
2 life-threatening infirmity, life-threatening illness, or  
3 chronic debilitating disease related to aging, who poses a low  
4 risk to the community, and who does not constitute a danger to  
5 himself or herself or society.

6 (3) NECESSARY DAILY LIFE FUNCTION. Eating,  
7 breathing, toileting, walking, or bathing.

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

10 a. Requires assistance in order to perform two or  
11 more necessary daily life functions or who is completely  
12 immobile.

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

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

21 Section 3. (a) (1) The Board of Pardons and Paroles  
22 shall establish a special medical parole docket and adopt the  
23 rules for implementation pursuant to Section 15-22-24(e), Code  
24 of Alabama 1975. For each person considered for medical  
25 parole, the board shall determine whether the person is a  
26 geriatric inmate, permanently incapacitated inmate, or  
27 terminally ill inmate for purposes of placing the person on a

1 special medical parole docket to be considered for parole by  
2 the board.

3 (2) The Department of Corrections shall immediately  
4 provide, upon request from the board, a list of geriatric,  
5 permanently incapacitated, and terminally ill inmates who are  
6 otherwise eligible for parole. By January 1 of each calendar  
7 year, the Department of Corrections shall additionally  
8 identify all inmates who have spent more than 30 or more days  
9 in an infirmary or under a physician's care in the prior  
10 calendar year, as well as all inmates suffering from a  
11 life-threatening illness and whose death is imminent within  
12 the year, who are otherwise parole eligible, and shall  
13 immediately provide this information to the board to determine  
14 if identified inmates are eligible for a medical parole.

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

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

25 (c) In considering an inmate for medical parole, the  
26 board may request that additional medical evidence be

1 produced, or that additional medical examinations be conducted  
2 by the Department of Corrections.

3 (g) The board shall report annually to the Joint  
4 Legislative Interim Prison Committee, House Judiciary  
5 Sentencing Commission Subcommittee, and the Alabama Sentencing  
6 Commission on the number of medical paroles granted, the  
7 nature of the illnesses, diseases, and conditions of those  
8 paroled, the number of inmates granted and denied medical  
9 parole, and the number of cases granted medical parole, but  
10 that could not be released. The report shall be made in a  
11 manner that does not disclose any individual identifying  
12 information for any particular inmate and shall be compliant  
13 in all respects with the Health Insurance Portability and  
14 Accountability Act.

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

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Senate

Read for the first time and referred to the Senate  
committee on Finance and Taxation General Fund ... 07-FEB-17

Read for the second time and placed on the calen-  
dar with 1 substitute and..... 09-MAR-17

Read for the third time and passed as amended .... 14-MAR-17

Yeas 24  
Nays 6

Patrick Harris,  
Secretary.