

1 ENGROSSED HOUSE  
2 BILL NO. 1903

By: Roe of the House

3 and

4 Weaver of the Senate

5  
6  
7 An Act relating to prisons and reformatories;  
8 amending 57 O.S. 2011, Section 332.18, as last  
9 amended by Section 1, Chapter 42, O.S.L. 2015 (57  
10 O.S. Supp. 2020, Section 332.18), which relates to  
11 requests for medical parole review; updating  
12 language; modifying circumstances that authorize  
13 medical parole reviews; adding definitions; and  
14 providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 57 O.S. 2011, Section 332.18, as  
17 last amended by Section 1, Chapter 42, O.S.L. 2015 (57 O.S. Supp.  
18 2020, Section 332.18), is amended to read as follows:

19 Section 332.18 A. The Director of the Department of  
20 Corrections shall have the authority to request the Executive  
21 Director of the Pardon and Parole Board to place an inmate on the  
22 Pardon and Parole Board docket for a medical reason, out of the  
23 normal processing procedures. Documentation of the medical  
24 condition of such inmate shall be certified by the medical director  
of the Department of Corrections. The Pardon and Parole Board shall

1 have the authority to bring any such inmate before the Board at any  
2 time, except as otherwise provided in subsection B of this section.

3 B. When a request is made for a medical parole review of an  
4 inmate who is dying ~~or is,~~ near death, medically frail or medically  
5 vulnerable as certified by the medical director of the Department ~~of~~  
6 ~~Corrections~~ or whose medical condition has rendered the inmate no  
7 longer an unreasonable threat to public safety, the Executive  
8 Director shall place such inmate on the first available parole  
9 review docket for a compassionate parole consideration. Inmates who  
10 meet the criteria set out in this section are not subject to the  
11 two-stage hearing process in subsection ~~E~~ D of Section 332.7 of this  
12 title.

13 C. No person shall be eligible for consideration for medical  
14 parole without the concurrence of at least three members of the  
15 ~~Pardon and Parole~~ Board. The vote on whether or not to consider  
16 such person for parole and the names of the concurring Board members  
17 shall be set forth in the written minutes of the meeting of the  
18 Board at which the issue is considered.

19 D. In the event ~~that due to changes in the medical condition of~~  
20 ~~the parolee granted medical parole or for other reasons,~~ it is  
21 determined that the continuation of ~~the~~ medical parole presents an  
22 increased risk to the public, the parolee shall be subject to parole  
23 revocation. In such case, the Department ~~of Corrections~~ shall  
24

1 follow the revocation procedure for violators of parole set forth in  
2 Section 516 of this title.

3 E. The provisions of this section shall not apply to inmates  
4 serving a sentence of life without the possibility of parole.

5 F. As used in this section:

6 1. "Activities of daily living" means basic personal care and  
7 everyday activities that a person cannot perform on his or her own,  
8 including tasks such as:

9 a. eating,

10 b. toileting,

11 c. grooming,

12 d. dressing,

13 e. bathing, and

14 f. transferring from one physical position to another,  
15 including moving from a reclining position to a  
16 sitting or standing position;

17 2. "Dying" or "near death" means an individual with a medical  
18 condition and who has an estimated life expectancy of six (6) months  
19 or less;

20 3. "Medical condition" includes, but is not limited to, the  
21 following:

22 a. disabling mental disorders including dementia,

23 Alzheimer's disease or similar degenerative brain

24 disorders,

- 1            b. human immunodeficiency virus (HIV) or acquired immune  
2            deficiency syndrome (AIDS),
- 3            c. cancer,
- 4            d. cardiovascular disease,
- 5            e. chronic lung disease or asthma,
- 6            f. diabetes,
- 7            g. hepatitis C,
- 8            h. seizure disorders,
- 9            i. complications during pregnancy that threaten the  
10           health of the pregnant person or fetus including, but  
11           not limited to, preeclampsia, fetal abnormalities or  
12           fetal distress,
- 13           j. inmates receiving life-sustaining care such as feeding  
14           tubes or colostomy bags,
- 15           k. disabling neurological disorders such as multiple  
16           sclerosis (MS) or amyotrophic lateral sclerosis (ALS),  
17           and
- 18           l. any other condition related to a weakened immune  
19           system or that requires or is expected to require  
20           specialty care or recurrent hospitalization;

21           4. "Medically frail" means an individual with a medical  
22           condition who cannot perform two or more activities of daily living  
23           on his or her own; and  
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