

2024 Regular Session

HOUSE BILL NO. 731

BY REPRESENTATIVE TAYLOR

PAROLE: Provides with respect to medical parole

1 AN ACT

2 To amend and reenact R.S. 15:574.20(B) and (C)(2)(a), relative to medical parole; to
3 provide relative to eligibility for medical parole; to provide for definitions; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 15:574.20(B) and (C)(2)(a) are hereby amended and reenacted to
7 read as follows:

8 §574.20. Medical parole program; medical treatment furlough; eligibility;
9 revocation

10 * * *

11 B.~~(1)~~ The committee on parole shall establish the medical parole program
12 to be administered by the Department of Public Safety and Corrections. An offender
13 eligible for consideration for release under the program shall be any offender who,
14 because of an existing medical or physical condition or behavioral or mental health
15 disorder, is determined by the department to be within one of the following
16 designations:

17 (a)(1) ~~"Permanently disabled offender" means any offender who is unable~~
18 ~~to engage in any substantial gainful activity by reason of any medically determinable~~
19 ~~physical impairment which can be expected to result in death or which is or can be~~
20 ~~expected to be permanently irreversible.~~ "Advanced age offender" means any

1 offender who is of sixty years of age or older and suffers from a chronic infirmity,
2 illness, condition, disease, or behavioral or mental health disorder that causes serious
3 impairment that limits the person's ability to function.

4 ~~(b)(2) "Terminally ill offender" means any offender who, because of an~~
5 ~~existing medical condition, is irreversibly terminally ill. For the purposes of this~~
6 ~~Section, "terminally ill" is defined as having a life expectancy of less than one year~~
7 ~~due to an underlying medical condition. "Incapacitated offender" means any~~
8 offender who suffers from a chronic, permanent, terminal, or irreversible physical
9 condition, disease, or behavioral or mental health disorder that requires costly care
10 or treatment.

11 (3) "Incompetent offender" means any offender who is incompetent to
12 proceed and does not have a substantial probability of being restored to competency
13 during the remainder of the individual's sentence.

14 (4) "Serious impairment" means any physical or mental condition that is
15 chronic and long term in nature and severely limits a person's ability to
16 independently perform essential day-to-day activities without daily intervention,
17 attention, or support from an aide or professional caregiver.

18 ~~(2) Medical parole shall not be available to any offender serving a sentence~~
19 ~~for a conviction of first degree murder (R.S. 14:30) or second degree murder (R.S.~~
20 ~~14:30.1) or an offender who is awaiting execution.~~

21 C.

22 * * *

23 (2)(a) An offender eligible for consideration for release under the medical
24 treatment furlough program shall be any offender who is ~~ineligible for release on~~
25 ~~medical parole pursuant to Subsection B of this Section~~ and is determined by the
26 department to be a limited-mobility offender.

27 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 731 Original

2024 Regular Session

Taylor

Abstract: Provides relative to eligibility for medical parole.

Present law provides for medical parole.

Present law further provides that an offender eligible for consideration for release under the program shall be any offender who, because of an existing medical or physical condition, is determined by the department to be designated as either "permanently disabled" or "terminally ill".

Proposed law amends present law to remove the references of "permanently disabled" or "terminally ill" and provides that an offender shall also be eligible for release under the medical parole program if he has a behavioral or mental health disorder.

Proposed law further provides that an offender shall also be eligible for release under the medical parole program if the department designates him as either an "advanced age offender", "incapacitated offender", "incompetent offender", or has "serious impairment".

Proposed law defines the terms "advanced age offender", "incapacitated offender", "incompetent offender", and "serious impairment".

Present law provides that medical parole shall not be available to any offender serving a sentence for a conviction of first degree murder (R.S. 14:30) or second degree murder (R.S. 14:30.1) or an offender who is awaiting execution.

Proposed law removes this provision from present law.

Present law provides that an offender eligible for consideration for release under the medical treatment furlough program shall be any offender who is ineligible for release on medical parole pursuant to present law and is determined by the department to be a limited-mobility offender.

Proposed law amends present law to provide that an offender eligible for consideration for release under the medical treatment furlough program shall be any offender who is determined by the department to be a limited-mobility offender.

(Amends R.S. 15:574.20(B) and (C)(2)(a))