

Regular Session, 2014

HOUSE BILL NO. 210

BY REPRESENTATIVE JEFFERSON

PAROLE: Amends eligibility criteria for medical parole

1 AN ACT

2 To amend and reenact R.S. 15:574.20(A)(1) and (B), relative to medical parole; to amend
3 certain eligibility requirements for medical parole; to amend certain definitions; and
4 to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

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

8 §574.20. Medical parole program; eligibility; revocation

9 A.(1) Notwithstanding the provisions of this Part or any other law to the
10 contrary, any person sentenced to the custody of the Department of Public Safety and
11 Corrections may, upon referral by the department, be considered for medical parole
12 by the committee on parole. Medical parole consideration shall be in addition to any
13 other parole for which an inmate may be eligible, but shall not be available to any
14 inmate who is awaiting execution ~~or who has a contagious disease.~~

15 * * *

16 B. The committee on parole shall establish the medical parole program to be
17 administered by the Department of Public Safety and Corrections. An inmate
18 eligible for consideration for release under the program shall be any person who,
19 because of an existing medical, ~~or physical,~~ or mental condition, is determined by
20 the department to be within one of the following designations:

21 (1) "Permanently ~~incapacitated~~ disabled inmate" ~~which shall mean means~~
22 any person who, ~~by reason of an existing physical or medical condition, is so~~

1 ~~permanently and irreversibly physically incapacitated that he does not constitute a~~
2 ~~danger to himself or to society~~ is unable to engage in any substantial gainful activity
3 by reason of any medically determinable physical or mental impairment which can
4 be expected to result in death or which has or can be expected to have a duration of
5 a continuous period of not less than twelve months; or

6 (2) "Terminally ill inmate" ~~which shall mean~~ means any person inmate who,
7 because of an existing medical condition, is irreversibly terminally ill, ~~and who by~~
8 ~~reason of the condition does not constitute a danger to himself or to society.~~ For the
9 purposes of this Section, "terminally ill" is defined as a life expectancy of less than
10 one year due to an underlying medical condition.

11 * * *

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)]

Jefferson

HB No. 210

Abstract: Provides changes regarding the eligibility for medical parole.

Present law provides that the decision to grant medical parole rests solely with the committee on parole.

Proposed law retains present law.

Present law provides that any inmate, except when incarcerated for first or second degree murder, may be considered by the committee on parole for medical parole unless the inmate is sentenced to death or has a contagious disease.

Proposed law removes the disqualification of having a contagious disease from eligibility for consideration of medical parole.

Present law contains criteria for consideration involving inmates who are permanently incapacitated or terminally ill. Both of the criteria contain the element that the inmate because of his condition does not constitute a danger to himself or others.

Proposed law removes the "danger to himself or others" element from the definition of "permanently disabled inmate" and "terminally ill inmate".

Proposed law adds the definition of "terminally ill" to mean a life expectancy of less than one year due to an underlying medical condition.

(Amends R.S. 15:574.20(A)(1) and (B))