

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 458

2018 Regular Session

Gatti

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

CRIME/PUNISHMENT. Prohibits medical treatment furlough to any offender serving a sentence for a conviction of first degree murder. (8/1/18)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Add provisions that as a condition of medical parole or medical treatment furlough the offender waives his right to medical confidentiality and privacy.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

SB 458 Reengrossed

2018 Regular Session

Gatti

Present law provides that any person sentenced to the custody of the Department of Public Safety and Corrections (DPS&C) may, upon referral by the department, be considered for medical parole or medical treatment furlough by the committee on parole. Present law further provides that consideration for medical parole or medical treatment furlough pursuant to present law is in addition to any other parole for which an inmate may be eligible.

Proposed law retains present law.

Present law provides that an offender who is determined by the department to be within one of the following designations is eligible for medical parole:

- (1) "Permanently disabled offender", which means any offender who is unable to engage in any substantial gainful activity by reason of any medically determinable physical impairment which can be expected to result in death or which is or can be expected to be permanently irreversible.
- (2) "Terminally ill offender", which means any offender who, because of an existing medical condition, is irreversibly "terminally ill" (i.e., having a life expectancy of less than one year due to an underlying medical condition).

Proposed law retains present law.

Present law provides that medical parole is not available to any offender serving a sentence for a conviction of first degree murder or second degree murder, or an offender who is awaiting execution.

Proposed law retains present law.

Present law provides that an offender is eligible for a medical treatment furlough if the offender is ineligible for medical parole but is determined by the department to be a limited-mobility offender. Present law defines a "limited-mobility offender" as an offender who is unable to perform the activities of daily living without help, or who is bedbound, including prolonged coma and medical ventilation.

Proposed law retains present law.

Present law provides that a medical treatment furlough is not available to any offender who is awaiting execution.

Proposed law retains present law and adds that a medical treatment furlough is not available to any offender serving a sentence for a conviction of first degree.

Present law provides that no offender can be recommended for parole or medical treatment furlough by the department until full consideration has been given to the offender's crime and criminal history, length of time served in custody, institutional conduct, an indication that the offender represents a low risk to himself or society, and a medical assessment of the offender's condition. Present law further provides that in the risk assessment, emphasis must be given to the offender's medical condition and how this relates to his overall risk to society.

Proposed law retains present law.

Proposed law provides that neither the DPS&C nor the warden of the correctional facility can recommend that the offender's sentence be commuted for any medical reasons contemplated by present law or proposed law.

Present law provides that the authority to grant medical parole or medical treatment furlough rests solely with the committee on parole, and the committee is to establish additional conditions of the parole or medical treatment furlough in accordance with the provisions of present law.

Proposed law retains present law.

Present law provides that the DPS&C is to identify those offenders who may be eligible for medical parole or medical treatment furlough based upon available medical information. Present law further provides that in considering an offender for medical parole or medical treatment furlough, the committee may require that additional medical evidence be produced or that additional medical examinations be conducted.

Proposed law retains present law.

Present law requires that the committee on parole determine the risk to public safety and grant medical parole or medical treatment furlough only after determining that the offender does not pose a threat to public safety.

Proposed law retains these provisions but provides that the committee make its determination only after the offender, as a condition of medical parole or medical treatment furlough, waives his right to medical confidentiality and privacy as to notice requirements in proposed law.

Proposed law provides that an offender who is denied medical parole or medical treatment furlough may apply for a rehearing within the time frame applicable to a denial of parole under any other provision of present law.

Proposed law provides that within seven business days of the decision of the committee on parole to grant medical parole or medical treatment furlough to an offender, the department must notify any off-site medical facility designated for an eligible offender's medical treatment of the decision.

Proposed law provides that the off-site medical facility must, not less than 14 days before the offender begins treatment at the facility, provide notice to its patients or residents that the offender will be receiving treatment at that facility.

Proposed law provides that the off-site medical facility must, not less than 14 days before the offender begins treatment at the facility, provide notice that the offender will be receiving treatment at that facility to each patient's or resident's next of kin, curator, tutor, or person having power of attorney for the patient or resident.

Effective August 1, 2018.

(Amends R.S. 15:574.20(A), (C)(1)(a), (D), and (E); adds R.S. 15:574.20(C)(4))

Thomas L. Tyler
Deputy Chief of Staff