

RÉSUMÉ DIGEST

ACT 573 (SB 458)

2018 Regular Session

Gatti

Prior law provided 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. Further provided that consideration for medical parole or medical treatment furlough pursuant to prior law is in addition to any other parole for which an inmate may be eligible. New law retains prior law.

Prior law provided 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).

New law retains prior law.

Prior law provided 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. New law retains prior law.

Prior law provided 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. Further defined 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. New law retains prior law.

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

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

Prior law provided 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. Further provided 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.

New law retains prior law.

New 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 prior law or new law.

Prior law provided 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 prior law. New law retains prior law.

Prior law provided 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. Further provided 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. New law retains prior law.

Prior law required 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.

New 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 new law.

New 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 prior law.

New 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.

New 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 in that facility.

New 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))