
DIGEST

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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.

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

Proposed law provides that the committee on parole shall determine the risk to public safety and shall grant medical parole only after determining the inmate does not pose a threat to public safety.

(Amends R.S. 15:574.20)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Added provisions requiring a determination of the risk to society the release of an inmate poses prior to release on medical parole.
2. Added provision that the committee on parole shall not recommend medical parole until it determines that the inmate does not pose a risk to society.
3. Deleted proposed law provisions regarding mental impairment.