

Regular Session, 2014

HOUSE BILL NO. 210

BY REPRESENTATIVE JEFFERSON AND SENATOR WALSWORTH

1 AN ACT

2 To amend and reenact R.S. 15:574.20, relative to medical parole; to amend certain eligibility  
3 requirements for medical parole; to amend certain definitions; to provide with  
4 respect to a risk assessment of an inmate prior to recommendation for medical  
5 parole; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:574.20 is hereby amended and reenacted to read 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 (2) Medical parole shall not be available to any inmate serving time for the  
16 violation of R.S. 14:30, first degree murder; or R.S. 14:30.1, second degree murder.

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

22 (1) "Permanently ~~incapacitated~~ disabled inmate" ~~which shall mean~~ means  
23 any person who, ~~by reason of an existing physical or medical condition, is so~~  
24 ~~permanently and irreversibly physically incapacitated that he does not constitute a~~

1 ~~danger to himself or to society is unable to engage in any substantial gainful activity~~  
 2 ~~by reason of any medically determinable physical impairment which can be expected~~  
 3 ~~to result in death or which is or can be expected to be permanently irreversible; or,~~

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

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

15 ~~C.D.~~ The authority to grant medical parole shall rest solely with the  
 16 committee on parole, and the committee shall establish additional conditions of the  
 17 parole in accordance with the provisions of this Subpart. The Department of Public  
 18 Safety and Corrections shall identify those inmates who may be eligible for medical  
 19 parole based upon available medical information. In considering an inmate for  
 20 medical parole, the committee may require that additional medical evidence be  
 21 produced or that additional medical examinations be conducted. The committee on  
 22 parole shall determine the risk to public safety and shall grant medical parole only  
 23 after determining that the inmate does not pose a threat to public safety.

24 ~~D.E.~~ The parole term of an inmate released on medical parole shall be for the  
 25 remainder of the inmate's sentence, without diminution of sentence for good  
 26 behavior. Supervision of the parolee shall consist of periodic medical evaluations  
 27 at intervals to be determined by the committee at the time of release.

28 ~~E.F.~~ If it is discovered through the supervision of the medical parolee that  
 29 his condition has improved such that he would not then be eligible for medical parole  
 30 under the provisions of this Subpart, the committee may order that the person be

1 returned to the custody of the Department of Public Safety and Corrections to await  
 2 a hearing to determine whether his parole shall be revoked. Any person whose  
 3 medical parole is revoked due to an improvement in his condition shall resume  
 4 serving the balance of his sentence with credit given for the duration of the medical  
 5 parole. If the person's medical parole is revoked due to an improvement in his  
 6 condition, and he would be otherwise eligible for parole, he may then be considered  
 7 for parole under the provisions of R.S. 15:574.4. Medical parole may also be  
 8 revoked for violation of any condition of the parole as established by the committee  
 9 on parole.

10 F.G. The committee on parole shall promulgate such rules as are necessary  
 11 to effectuate this Subpart, including rules relative to the conduct of medical parole  
 12 hearings, and the conditions of medical parole release.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_