

SENATE BILL NO. 458

BY SENATORS GATTI AND PEACOCK AND REPRESENTATIVES BAGLEY, CREWS, HORTON, HOWARD, JACKSON, JIM MORRIS, NORTON AND SEABAUGH

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AN ACT

To amend and reenact R.S. 15:574.20(A), (C)(1)(a), (D), and (E) and to enact R.S. 15:574.20(C)(4), relative to medical parole and medical treatment furloughs; to prohibit a medical treatment furlough to any offender who is serving a sentence for a conviction of first degree murder; to provide relative to an application for rehearing after a denial; to require certain notification be provided upon granting medical parole or medical treatment furlough; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:574.20(A), (C)(1)(a), (D), and (E) are hereby amended and reenacted and R.S. 15:574.20(C)(4) is hereby enacted to read as follows:

§574.20. Medical parole program; **medical treatment furlough**; eligibility; revocation

A. Notwithstanding the provisions of this Part or any other law to the contrary, **and except as provided in this Section**, any person sentenced to the custody of the Department of Public Safety and Corrections may, upon referral by the department, be considered for medical parole or medical treatment furlough by the committee on parole. Consideration for medical parole or medical treatment furlough pursuant to the provisions of this Section shall be in addition to any other parole for which an inmate may be eligible.

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C. Medical treatment furlough.

(1)(a) The committee on parole shall establish the medical treatment furlough program to be administered by the Department of Public Safety and Corrections for the purpose of utilizing off-site medical facilities for an eligible offender's medical treatment. ~~Medical treatment furlough shall not be available to any offender who is~~

1 awaiting execution.

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3 **(4) A medical treatment furlough shall not be available to any offender**
4 **servng a sentence for a conviction of first degree murder (R.S. 14:30) or an**
5 **offender who is awaiting execution.**

6 D.(1) No offender shall be recommended for parole or medical treatment
7 furlough pursuant to this Section by the department until full consideration has been
8 given to the offender's crime and criminal history, length of time served in custody,
9 institutional conduct, an indication that the offender represents a low risk to himself
10 or society, and a medical assessment of the offender's condition. In the assessment
11 of risk, emphasis shall be given to the offender's medical condition and how this
12 relates to his overall risk to society.

13 **(2) Neither the department nor the warden of the correctional facility**
14 **shall recommend that the offender's sentence be commuted for any medical**
15 **reasons contemplated by this Section.**

16 E.(1) The authority to grant **medical** parole or medical treatment furlough
17 pursuant to this Section shall rest solely with the committee on parole, and the
18 committee shall establish additional conditions of the parole or medical treatment
19 furlough in accordance with the provisions of this Subpart.

20 (2) The Department of Public Safety and Corrections shall identify those
21 offenders who may be eligible for medical parole or medical treatment furlough
22 based upon available medical information. In considering an offender for medical
23 parole or medical treatment furlough, the committee may require that additional
24 medical evidence be produced or that additional medical examinations be conducted.

25 (3) The committee on parole shall determine the risk to public safety and
26 shall grant medical parole or medical treatment furlough only after determining that
27 the offender does not pose a threat to public safety **and only after the offender, as**
28 **a condition of the medical parole or medical treatment furlough, waives his**
29 **right to medical confidentiality and privacy as to the notice requirements in**
30 **Paragraph (5) of this Subsection.**

1 (4) An offender who is denied medical parole or medical treatment
2 furlough may apply for a rehearing within the time frame applicable to a denial
3 of parole under any other provision of this Part.

4 (5)(a) Within seven business days of the decision of the committee on
5 parole to grant medical parole or medical treatment furlough to an offender,
6 the department shall notify any off-site medical facility designated for an
7 eligible offender's medical treatment of the decision.

8 (b) The off-site medical facility shall, not less than fourteen days before
9 the offender begins treatment at the facility, provide notice to its patients or
10 residents that the offender will be receiving treatment at that facility.

11 (c) The off-site medical facility shall, not less than fourteen days before
12 the offender begins treatment at the facility, provide notice that the offender
13 will be receiving treatment at that facility to each patient's or resident's next of
14 kin, curator, tutor, or person having power of attorney for the patient or
15 resident.

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____