

2017 Regular Session

SENATE BILL NO. 169

BY SENATOR BARROW

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME/PUNISHMENT. Establishes the medical furlough program. (8/1/17)

AN ACT

To amend and reenact R.S. 15:574.20, relative to medical parole; to authorize medical furloughs; to provide for the term of medical parole and furlough; to provide for revocation of medical parole or furlough for improved health; to provide for written case plans; to provide for classification and treatment programs; to provide for eligibility; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:574.20 is hereby amended and reenacted to read as follows:

§574.20. Medical parole program; eligibility; revocation

~~A.(1) Notwithstanding the provisions of this Part or any other law to the contrary, 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 by the committee on parole. Medical parole consideration shall be in addition to any other parole for which an inmate may be eligible, but shall not be available to any inmate who is awaiting execution~~ **Notwithstanding the provisions of this Part or any other law to the contrary, any offender sentenced to the custody of the Department of Public Safety and Corrections may, upon referral by the**

1 department, be considered for medical parole or medical furlough by the
2 committee on parole. Consideration for parole or furlough under this Section
3 shall be in addition to any other parole for which an offender may be eligible.

4 ~~(2) Medical parole shall not be available to any inmate serving time for the~~
5 ~~violation of R.S. 14:30, first degree murder; or R.S. 14:30.1, second degree murder.~~

6 **B. Medical Parole**

7 **(1)** The committee on parole shall establish the medical parole program to be
8 administered by the Department of Public Safety and Corrections. An inmate
9 **offender** eligible for consideration for release under the program shall be any person
10 **offender** who, because of an existing medical or physical condition, is determined
11 by the department to be within one of the following designations:

12 ~~(1)(a)~~ **"Permanently disabled inmate offender"** means any person **offender**
13 who is unable to engage in any substantial gainful activity by reason of any
14 medically determinable physical impairment which can be expected to result in death
15 or which is or can be expected to be permanently irreversible.

16 ~~(2)(b)~~ **"Terminally ill inmate offender"** means any inmate **offender** who,
17 because of an existing medical condition, is irreversibly terminally ill. For the
18 purposes of this Section, "terminally ill" is defined as having a life expectancy of less
19 than one year due to an underlying medical condition.

20 **(2) Medical parole shall not be available to any offender serving a**
21 **sentence for a conviction of first degree murder (R.S. 14:30) or second degree**
22 **murder (R.S. 14:30.1) or awaiting execution.**

23 **C. Medical Furlough**

24 **(1) The committee on parole shall establish the medical furlough**
25 **program to be administered by the department. Medical furlough shall not be**
26 **available to any offender who is awaiting execution. An offender eligible for**
27 **consideration for release under the program shall be any offender who is**
28 **ineligible for release on medical parole pursuant to Subsection B of this Section**
29 **and, because of an existing medical or physical condition, is determined by the**

1 department to be within one of the following designations:

2 (a) "Limited mobility offender" means any offender who is unable to
3 perform activities of daily living without help or is totally confined to a bed or
4 chair, including but not limited to prolonged coma and medical ventilation.

5 (b) "Terminally ill offender" means any offender who, because of an
6 existing medical condition, is irreversibly terminally ill. For the purposes of this
7 Section, "terminally ill" is defined as having a life expectancy of less than one
8 year due to an underlying medical condition.

9 (2) Offenders granted furlough under this Subsection shall be released
10 upon securing the following placements for the duration of their furlough:

11 (a) For limited mobility offenders, any acute care hospital, nursing home,
12 or other healthcare facility.

13 (b) For terminally ill offenders, any health care facility including but not
14 limited to an acute care hospital, nursing home, or any other appropriate setting
15 which is able to meet the needs of the terminally ill offender.

16 D. No ~~inmate~~ **offender** shall be recommended for ~~medical~~ parole or
17 furlough pursuant to this Section by the department until full consideration has
18 been given to the ~~inmate's~~ **offender's** crime and criminal history, length of time
19 served in custody, institutional conduct, an indication that the ~~inmate~~ **offender**
20 represents a low risk to himself or society, and a medical assessment of the ~~inmate's~~
21 **offender's** condition. In the assessment of risk, emphasis shall be given to the
22 ~~inmate's~~ **offender's** medical condition and how this relates to his overall risk to
23 society.

24 ~~DE.~~ The authority to grant ~~medical~~ parole or furlough pursuant to this
25 Section shall rest solely with the committee on parole, and the committee shall
26 establish additional conditions of the parole or furlough in accordance with the
27 provisions of this Subpart. The Department of Public Safety and Corrections shall
28 identify those ~~inmates~~ **offenders** who may be eligible for medical parole or medical
29 furlough based upon available medical information. In considering an ~~inmate~~

1 **offender** for medical parole **or medical furlough**, the committee may require that
2 additional medical evidence be produced or that additional medical examinations be
3 conducted. The committee on parole shall determine the risk to public safety and
4 shall grant medical parole **or medical furlough** only after determining that the
5 ~~inmate~~ **offender** does not pose a threat to public safety.

6 ~~EF~~. The parole term of an ~~inmate~~ **offender** released on medical parole **or**
7 **medical furlough** shall be for the remainder of the ~~inmate's~~ **offender's** sentence,
8 without diminution of sentence for good behavior. Supervision of the ~~parolee~~
9 **offender** shall consist of periodic medical evaluations at intervals to be determined
10 by the committee at the time of release.

11 ~~FG~~. If it is discovered through the supervision of the medical parolee **or**
12 **furloughee** that his condition has improved such that he would not then be eligible
13 for medical parole **or medical furlough** under the provisions of this Subpart, the
14 committee may order that the ~~person~~ **offender** be returned to the custody of the
15 Department of Public Safety and Corrections to await a hearing to determine whether
16 his parole **or furlough** shall be revoked. Any ~~person~~ **offender** whose medical parole
17 **or medical furlough** is revoked due to an improvement in his condition shall resume
18 serving the balance of his sentence with credit given for the duration of the medical
19 parole **or furlough**. If the ~~person's~~ **offender's** medical parole **or medical furlough**
20 is revoked due to an improvement in his condition, and he would be otherwise
21 eligible for parole, he may then be considered for parole under the provisions of R.S.
22 15:574.4. Medical parole **and medical furlough** may also be revoked for violation
23 of any condition of the parole as established by the committee on parole.

24 ~~GH~~. The committee on parole shall promulgate such rules as are necessary
25 to effectuate this Subpart, including rules relative to the conduct of medical parole
26 **and medical furlough** hearings, and the conditions of medical parole **and medical**
27 **furlough** release.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Ashley Menou.

SB 169 Original DIGEST 2017 Regular Session Barrow

Present law provides for medical parole eligibility for offenders who are permanently disabled or terminally ill and not serving a sentence for first degree murder, second degree murder, or awaiting execution.

Proposed law retains present law.

Proposed law creates the medical furlough program to be administered by DPSC. Offenders who are ineligible for medical parole, not awaiting execution, and determined by DPSC to be a limited mobility offender or a terminally ill offender shall be eligible for medical furlough.

Proposed law defines "limited mobility offender" as any offender who is unable to perform activities of daily living without help or is totally confined to a bed or chair, including but not limited to prolonged coma and medical ventilation.

Proposed law defines "terminally ill offender" as an offender who because of an existing medical condition, is irreversibly terminally ill and defines "terminally ill" as having a life expectancy of less than one year due to an underlying medical condition.

Proposed law provides that offenders granted medical furlough shall be released upon securing the following placements for the duration of their furlough:

- (1) For limited mobility offenders, any acute care hospital, nursing home, or other healthcare facility.
- (2) For terminally ill offenders, any health care facility including, but not limited to, an acute care hospital, nursing home, or any other appropriate setting which is able to meet the needs of the terminally ill offender.

Present law provides that no offender shall be recommended for medical parole by DPSC until full consideration has been given to the offender's criminal history, length of time served in custody, institutional conduct, and a medical assessment of the offender's condition.

Proposed law retains present law and requires the same consideration be given before an offender is recommended for medical furlough by DPSC.

Present law provides that the authority to grant medical parole lies solely with the committee on parole and the committee may require additional evidence or that additional medical examinations be conducted.

Proposed law provides that present law shall also apply to medical furlough.

Present law provides that the parole term of an offender released on medical parole shall be for the remainder of the offender's sentence without diminution of sentence for good behavior.

Proposed law provides that present law shall also apply to medical furlough.

Present law provides that if the medical parolee's condition has improved such that he would no longer be eligible for medical parole, the committee may order that the offender be

returned to the custody of DPSC to await a hearing to determine if his parole shall be revoked.

Proposed law provides that present law shall also apply to medical furlough.

Present law provides that any offender whose medical parole is revoked due to an improvement in his condition shall resume serving the balance of his sentence with credit given for the duration of the medical parole.

Proposed law provides that present law shall also apply to medical furlough.

Present law provides that medical parole may be revoked for violation of any condition of the parole as established by the committee on parole.

Proposed law provides that present law shall also apply to medical furlough.

Present law provides that the committee on parole shall promulgate rules necessary for the implementation of medical parole.

Proposed law provides that present law shall also apply to medical furlough.

Effective August 1, 2017.

(Amends R.S. 15:574.20)