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

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DIGEST

SB 169 Original

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)