

2018 Regular Session

SENATE BILL NO. 458

BY SENATOR GATTI

CRIME/PUNISHMENT. Prohibits medical treatment furlough to any offender serving a sentence for a conviction of first degree murder or second degree murder. (8/1/18)

1 AN ACT  
2 To amend and reenact R.S. 15:574.20(A) and (C)(1)(a) and to enact R.S. 15:574.20(C)(4),  
3 relative to medical parole and medical treatment furloughs; to prohibit a medical  
4 treatment furlough to any offender who is serving a sentence for a conviction of first  
5 degree murder or second degree murder; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

9 §574.20. Medical parole program; **medical treatment furlough**; eligibility;  
10 revocation

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

\* \* \*

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 awaiting execution.~~

\* \* \*

**(4) A medical treatment furlough shall not be available to any offender serving a sentence for a conviction of first degree murder (R.S. 14:30) or second degree murder (R.S. 14:30.1) or an offender who is awaiting execution.**

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

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DIGEST

SB 458 Original

2018 Regular Session

Gatti

Present law provides that any person sentenced to the custody of the Dept. 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. Present law further provides that consideration for medical parole or medical treatment furlough pursuant to present law is in addition to any other parole for which an inmate may be eligible.

Proposed law retains present law.

Present law provides that an offender who is determined by the department to be within one of the following designations is eligible for medical parole:

- (1) "Permanently disabled offender", which means any offender who is unable to engage in any substantial gainful activity by reason of any medically determinable physical impairment which can be expected to result in death or which is or can be expected to be permanently irreversible.
- (2) "Terminally ill offender", which means any offender who, because of an existing medical condition, is irreversibly "terminally ill" (i.e., having a life expectancy of less than one year due to an underlying medical condition).

Proposed law retains present law.

Present law provides that medical parole is not available to any offender serving a sentence for a conviction of first degree murder or second degree murder, or an offender who is awaiting execution.

Proposed law retains present law.

Present law provides that an offender is eligible for a medical treatment furlough if the offender is ineligible for medical parole but is determined by the department to be a limited-mobility offender. Present law defines a "limited-mobility offender" as an offender who is unable to perform the activities of daily living without help, or who is bedbound, including prolonged coma and medical ventilation.

Proposed law retains present law.

Present law provides that a medical treatment furlough is not available to any offender who is awaiting execution.

Proposed law retains present law and adds that a medical treatment furlough is not available to any offender serving a sentence for a conviction of first degree murder or second degree murder.

Effective August 1, 2018.

(Amends R.S. 15:574.20(A) and (C)(1)(a); adds R.S. 15:574.20(C)(4))