SLS 20RS-549 ORIGINAL

2020 Regular Session

SENATE BILL NO. 385

BY SENATOR CARTER

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PROBATION/PAROLE. Provides relative to medical parole eligibility for prisoners who are terminally ill or permanently disabled. (gov sig)

AN ACT

2 To amend and reenact R.S. 15:574.20(B)(2), relative to medical parole; to provide relative to eligibility for medical parole; to provide that medical parole shall not be available 3 4 to offenders serving sentences for crimes of violence or sex offenses; and to provide 5 for related matters. 6 Be it enacted by the Legislature of Louisiana: 7 Section 1. R.S. 15:574.20(B)(2) is hereby amended and reenacted to read as follows: 8 §574.20. Medical parole program; medical treatment furlough; eligibility; 9 revocation 10 11 B.(1) (2) Medical parole shall not be available to any offender serving a sentence 12 13 for a conviction of first degree murder (R.S. 14:30) or second degree murder (R.S. 14:30.1) a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined 14 in R.S. 15:541, or any offense that would constitute a crime of violence as 15 16 defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, regardless of the date of conviction or an offender who is awaiting execution. 17

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Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

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

DIGEST 2020 Regular Session

SB 385 Original

Carter

<u>Present law</u> 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 by the committee on parole. <u>Present law</u> further provides that consideration for medical parole is in addition to any other parole for which an inmate may be eligible.

Proposed law retains present law.

<u>Present law</u> provides that an offender eligible for consideration for release under the medical parole program is any offender who, because of an existing medical or physical condition, is determined by the department to be within one of the following designations:

- (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 that can be expected to result in death or that 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. <u>Present law provides that "terminally ill"</u> is defined as having a life expectancy of less than one year due to an underlying medical condition.

<u>Proposed law</u> retains <u>present law</u>.

<u>Present law</u> 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.

<u>Proposed law</u> provides that medical parole is not available to any offender serving a sentence for a conviction of any crime of violence or any sex offense, as those terms are defined in <u>present law</u>, or any offense that would constitute a crime of violence or sex offense as defined in <u>present law</u>, regardless of the date of conviction, or an offender who is awaiting execution.

<u>Present law</u> provides that the parole term of an offender released on medical parole is for the remainder of the offender's sentence, without diminution of sentence for good behavior, with supervision of the offender consisting of periodic medical evaluations. <u>Present law</u> further provides that if it is discovered that the offender's condition has improved such that he would not then be eligible for medical parole, the committee on parole may order that the offender be returned to the custody of the department to await a hearing to determine whether his

medical parole should be revoked. <u>Present law</u> further provides that an offender whose medical parole is revoked due to an improvement in his condition must resume serving the balance of his sentence with credit given for the duration of the medical parole. <u>Present law</u> further provides that if the offender's medical parole is revoked under these circumstances, and he would be otherwise eligible for parole, he may then be considered for parole under other present law provisions relative to parole eligibility.

Proposed law retains present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 15:574.20(B)(2))