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2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 SENATE BILL 320

By: Garvin and Bergstrom of the  
Senate

7 and

8 McEntire of the House  
9

10 COMMITTEE SUBSTITUTE

11 An Act relating to medical parole; amending 57 O.S.  
12 2011, Section 332.18, as last amended by Section 1,  
13 Chapter 42, O.S.L. 2015 (57 O.S. Supp. 2020, Section  
14 332.18), which relates to placement on docket for  
15 parole consideration; modifying qualifying  
16 conditions; providing definition; and providing an  
17 effective date.

18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. AMENDATORY 57 O.S. 2011, Section 332.18, as  
20 last amended by Section 1, Chapter 42, O.S.L. 2015 (57 O.S. Supp.  
21 2020, Section 332.18), is amended to read as follows:

22 Section 332.18. A. The Director of the Department of  
23 Corrections shall have the authority to request the Executive  
24 Director of the Pardon and Parole Board to place an inmate on the  
Pardon and Parole Board docket for a medical reason, out of the  
normal processing procedures. Documentation of the medical

1 condition of such inmate shall be certified by the medical director  
2 of the Department of Corrections. The Pardon and Parole Board shall  
3 have the authority to bring any such inmate before the Board at any  
4 time, except as otherwise provided in subsection B of this section.

5 B. When a request is made for a medical parole review of an  
6 inmate who is dying or is near death or is medically frail or is  
7 medically vulnerable as defined in subsection F of this section as  
8 certified by the medical director of the Department of Corrections  
9 or whose medical condition has rendered the inmate no longer an  
10 unreasonable threat to public safety, the Executive Director shall  
11 place such inmate on the first available parole review docket for a  
12 compassionate parole consideration. Inmates who meet the criteria  
13 set out in this section are not subject to the two-stage hearing  
14 process in subsection E D of Section 332.7 of this title.

15 C. No person shall be eligible for consideration for medical  
16 parole without the concurrence of at least three members of the  
17 Pardon and Parole Board. The vote on whether or not to consider  
18 such person for parole and the names of the concurring Board members  
19 shall be set forth in the written minutes of the meeting of the  
20 Board at which the issue is considered.

21 D. In the event that ~~due to changes in the medical condition of~~  
22 ~~the parolee granted medical parole or for other reasons,~~ it is  
23 determined that the continuation of the medical parole presents an  
24 increased risk to the public, the parolee shall be subject to parole

1 revocation. In such case, the Department of Corrections shall  
2 follow the revocation procedure for violators of parole set forth in  
3 Section 516 of this title.

4 E. The provisions of this section shall not apply to inmates  
5 serving a sentence of life without possibility of parole.

6 F. As used in this section:

7 1. "Medically frail" means an individual with a medical  
8 condition which precludes the individual from performing two or more  
9 activities of daily living on their own;

10 2. "Medically vulnerable" means an individual with one or more  
11 medical conditions which makes the individual more likely to  
12 contract an illness or disease while incarcerated that could lead to  
13 death or cause an individual to become medically frail. The  
14 provisions of this subsection shall only apply during a catastrophic  
15 health emergency as declared by the Governor of this state pursuant  
16 to the provisions of Section 6403 of Title 63 of the Oklahoma  
17 Statutes;

18 3. "Medical condition" includes, but is not limited to,  
19 debilitating health conditions occurring as a result of the  
20 following:

21 a. disabling mental disorders including dementia,  
22 Alzheimer's disease or similar degenerative brain  
23 disorders,

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- b. Human Immunodeficiency Virus (HIV) or Acquired Immune Deficiency Syndrome (AIDS),
- c. cancer,
- d. cardiovascular disease,
- e. chronic lung disease or asthma,
- f. diabetes,
- g. hepatitis C,
- h. seizure disorders,
- i. inmates receiving life sustaining care such as feeding tubes or colostomy bags,
- j. disabling neurological disorders such as multiple sclerosis (MS) or amyotrophic lateral sclerosis (ALS),
- or
- k. any other condition related to a weakened immune system or condition that requires or is expected to require specialty care or recurrent hospitalizations;

4. "Activities of daily living" means basic personal care and everyday activities including tasks such as eating, toileting, grooming, dressing, bathing and transferring from one physical position to another including moving from a reclining position to a sitting or standing position, that a person cannot perform on his or her own; and

1        5. "Dying" or "near death" means an individual with a medical  
2 condition and who has an estimated life expectancy of six (6) months  
3 or less.

4        G. Victim notification shall be provided as provided in Section  
5 332.2 of this title and as required by Article 2, Section 34 of the  
6 Oklahoma Constitution.

7        SECTION 2. This act shall become effective November 1, 2021.

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