

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 716

By: Kidd

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5
6 AS INTRODUCED

7 An Act relating to medical parole; amending 57 O.S.
8 332.18, as last amended by Section 1, Chapter 42,
9 O.S.L. 2015 (57 O.S. Supp. 2020, Section 332.18),
10 which relates to medical parole; expanding
11 eligibility for medical parole review; modifying
12 condition and revocation of parole; defining certain
13 terms; and providing an effective date.

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

15 SECTION 1. AMENDATORY 57 O.S. 2011, Section 332.18, as
16 last amended by Section 1, Chapter 42, O.S.L. 2015 (57 O.S. Supp.
17 2020, Section 332.18), is amended to read as follows:

18 Section 332.18. A. The Director of the Department of
19 Corrections shall have the authority to request the Executive
20 Director of the Pardon and Parole Board to place an inmate on the
21 Pardon and Parole Board docket for a medical reason, out of the
22 normal processing procedures. Documentation of the medical
23 condition of such inmate shall be certified by the medical director
24 of the Department of Corrections. The Pardon and Parole Board shall

1 have the authority to bring any such inmate before the Board at any
2 time, except as otherwise provided in subsection B of this section.

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

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

19 D. In the event that due to changes in the medical condition of
20 the parolee granted medical parole or for other reasons, it is
21 determined that the continuation of the medical parole presents an
22 increased risk to the public, the parolee shall be subject to parole
23 revocation. In such case, the Department of Corrections shall
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1 follow the revocation procedure for violators of parole set forth in
2 Section 516 of this title.

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

5 F. As used in this section:

6 1. "Medically frail" means an individual with a medical
7 condition and who cannot perform two or more activities of daily
8 living on their own.

9 2. "Medically vulnerable" means an individual with one or more
10 medical conditions who is likely to contract an illness or disease
11 in prison that can lead to death or cause an individual to become
12 medically frail.

13 3. "Medical condition" includes, but is not limited to, the
14 following:

15 a. disabling mental disorders including dementia, Alzheimer's
16 disease or similar degenerative brain disorders,

17 b. Human Immunodeficiency Virus (HIV) or Acquired Immune
18 Deficiency Syndrome (AIDS),

19 c. cancer,

20 d. cardiovascular disease,

21 e. chronic lung disease or asthma,

22 f. diabetes,

23 g. Hepatitis C,

24 h. seizure disorders,

1 i. pregnancy,

2 j. age at or above 50 years old,

3 k. obesity, or

4 l. any other condition related to a weakened immune system or
5 requiring or expected to require specialty care or recurrent
6 hospitalization.

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

13 5. "Dying" or "near death" means an individual with a medical
14 condition who has an estimated life expectancy of six (6) months or
15 less.

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

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