

1 STATE OF OKLAHOMA

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

3 SENATE BILL 320

By: Garvin

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5
6 AS INTRODUCED

7 An Act relating to medical parole; amending 57 O.S.
8 2011, Section 332.18, as last amended by Section 1,
9 Chapter 42, O.S.L. 2015 (57 O.S. Supp. 2020, Section
10 332.18), which relates to placement on docket for
11 parole consideration; modifying qualifying
12 conditions; providing definition; and providing an
13 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 is medically frail or is
5 medically vulnerable as defined in subsection F of this section 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 which precludes the individual from performing two or more
8 activities of daily living on their own;

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

17 3. "Medical condition" includes, but is not limited to, the
18 following:

19 a. disabling mental disorders including Dementia,

20 Alzheimer's disease or similar degenerative brain

21 disorders,

22 b. Human Immunodeficiency Virus (HIV) or Acquired Immune

23 Deficiency Syndrome (AIDS),

24 c. cancer,

- 1 d. cardiovascular disease,
2 e. chronic lung disease or asthma,
3 f. diabetes,
4 g. hepatitis C,
5 h. seizure disorders,
6 i. complications during pregnancy that threatens the
7 health of the pregnant person or fetus including, but
8 not limited to, preeclampsia, fetal abnormalities or
9 fetal distress,
10 j. inmates receiving life sustaining care such as feeding
11 tubes of colostomy bags,
12 k. disabling neurological disorders such as multiple
13 sclerosis (MS) or amyotrophic lateral sclerosis (ALS),
14 or
15 l. any other condition related to a weakened immune
16 system or condition that requires or is expected to
17 require specialty care or recurrent hospitalizations;

18 4. "Activities of daily living" means basic personal care and
19 every day activities including tasks such as eating, toileting,
20 grooming, dressing, bathing and transferring from one physical
21 position to another including moving from a reclining position to a
22 sitting or standing position, that a person cannot perform on their
23 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 SECTION 2. This act shall become effective November 1, 2021.

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