



## House Judiciary Reported Substitute for HB299

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A BILL  
TO BE ENTITLED  
AN ACT

Relating to pardons and paroles; to amend Section 15-22-26, Section 15-22-28, as last amended by Act 2023-367, 2023 Regular Session, and Sections 15-22-37, 15-22-42, and 15-22-43, Code of Alabama 1975, to require the Board of Pardons and Paroles to give weighted consideration to an inmate's age when determining whether to grant parole, to require the board to hold a rehearing once parole is denied for certain inmates, to provide for appellate relief for a prisoner with a serious chronic health condition who was denied parole in certain circumstances; to require the board to hold a medical parole hearing within a specified period of time of an inmate becoming eligible for medical parole; provide for appellate relief for an inmate who was denied medical parole; to amend Sections 14-14-2 and 14-14-5, Code of Alabama 1975, to provide that an inmate released on medical furlough may reside in any state; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



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29 Section 1. Section 15-22-26, Section 15-22-28, as last  
30 amended by Act 2023-367, 2023 Regular Session, and Sections  
31 15-22-37, **15-22-42**, and 15-22-43, Code of Alabama 1975, are  
32 amended to read as follows:

33 "§15-22-26

34 (a) (1) A ~~No~~-prisoner shall be released on parole ~~merely~~  
35 as a reward for good conduct or efficient performance of  
36 duties assigned in prison, ~~but only if~~ a majority of the Board  
37 of Pardons and Paroles ~~is~~ members are of the opinion that the  
38 prisoner meets criteria and guidelines established by the  
39 board to determine a prisoner's fitness for parole and to  
40 ensure public safety.

41 (2) The guidelines shall ~~serve~~ do all of the following:

42 a. Serve as an aid in the parole process ~~and shall~~  
43 ~~promote.~~

44 b. Promote the use of prison space for the most violent  
45 and greatest risk offenders, while recognizing that the  
46 board's paramount duty is to protect public safety. ~~The~~  
47 ~~guidelines shall be~~

48 c. Be structured, and actuarially based, ~~reviewed every~~  
49 ~~three years by the board, after a specified open comment~~  
50 ~~period determined by the board, and posted on the website of~~  
51 ~~the board and include, but not be limited to,~~

52 (3) The guidelines shall consider all of the following:

53 ~~(1)~~ a. The prisoner's risk to reoffend, based upon a  
54 validated risk and needs assessment as defined in Section  
55 12-25-32.

56 ~~(2)~~ b. Progress by the prisoner and the Department of

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57 Corrections to plan for reentry.

58 ~~(3)~~ c. Input from the victim or victims, the family of  
59 the victim or victims, prosecutors, and law enforcement  
60 entities.

61 ~~(4)~~ d. Participation in risk-reduction programs while  
62 incarcerated.

63 ~~(5)~~ e. Institutional behavior of the prisoner while  
64 incarcerated.

65 ~~(6)~~ f. Severity of the underlying offense for which the  
66 prisoner was sentenced to incarceration.

67 (4) The board shall give weighted consideration to the  
68 health of the inmate when considering parole.

69 (b) Except as provided in Section 15-22-37, if the  
70 board grants a prisoner parole, the prisoner shall be released  
71 from prison upon the terms and conditions set by the board,  
72 and while released on parole, shall remain in the legal  
73 custody of the warden of the prison from which he or she is  
74 paroled until the expiration of the maximum term specified in  
75 his or her sentence or until he or she is fully pardoned.

76 (c) The board shall clearly articulate its reasons for  
77 approval or denial of parole for each prisoner, based on its  
78 established guidelines, and shall provide the reasons for  
79 approval or denial to the prisoner, the victim, the Department  
80 of Corrections, or any other interested party upon written  
81 request submitted to the board. The use of established  
82 guidelines for parole consideration shall not create a right  
83 or expectation by a prisoner to parole release. Additionally,  
84 the articulated reasons for denial of parole release shall not



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85 create a right or expectation for parole release. The  
86 guidelines shall serve as an aid in the parole decisionmaking  
87 process, and the decision concerning parole release shall be  
88 at the complete discretion of the board."

89 "§15-22-28

90 (a) ~~It shall be the duty of the Board of Pardons and~~  
91 ~~Paroles, upon its own initiative, to make an investigation of~~  
92 ~~any and~~ The Board of Pardons and Paroles shall investigate all  
93 prisoners confined in the jails and prisons of the state,  
94 through use of a validated risk and needs assessment, as  
95 defined in Section 12-25-32, ~~with a view of determining the~~  
96 ~~feasibility of releasing the prisoners on parole and effecting~~  
97 ~~their reclamation~~ to determine which prisoners may be released  
98 on parole. Reinvestigations shall be ~~made from time to time~~  
99 performed as determined by the board ~~may determine~~ or as  
100 requested by the Department of Corrections ~~may request~~. ~~The~~  
101 ~~investigations shall include such reports and other~~  
102 ~~information as the board may require from the Department of~~  
103 ~~Corrections or any of its officers, agents, or employees.~~

104 (b) ~~It shall be the duty of the~~ The Department of  
105 Corrections ~~to~~ shall cooperate with the ~~Board of Pardons and~~  
106 ~~Paroles~~ board for the purpose of carrying out this article.

107 (c) Temporary leave from prison, ~~including Christmas~~  
108 ~~furloughs~~, may only be granted ~~only~~ by the Commissioner of the  
109 Department of Corrections to a prisoner for good and  
110 sufficient reason and may be granted within ~~or without~~ the  
111 state; ~~provided, that Christmas furloughs shall~~ or outside the  
112 state. Furlough may not be granted to any prisoner convicted



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113 of ~~drug peddling, child molesting, or rape,~~ a sex offense, as  
114 provided in Section 15-20A-5, or to any ~~maximum security~~  
115 prisoner in close custody. A permanent, written record of all  
116 temporary leaves, ~~together with~~ including the reasons  
117 ~~therefor~~ leave was granted, shall be kept by the commissioner.  
118 He or she shall furnish the Board of Pardons and Paroles with  
119 a record of each leave granted and the reasons ~~therefor~~ leave  
120 was granted, and the same shall be placed by the board in the  
121 prisoner's file.

122 (d) ~~No prisoner shall be released on parole except by a~~  
123 ~~majority vote of the board.~~ The board shall not parole any  
124 prisoner for employment by any official of this state, nor  
125 shall any parolee be employed by an official of this state and  
126 be allowed to remain on parole; ~~provided, however, that this~~  
127 ~~provision shall.~~ This subsection does not apply ~~in the case of~~  
128 to a parolee whose employer, at the time of the parolee's  
129 original employment, was not a state official.

130 (e) The board shall set a prisoner's initial parole  
131 consideration date according to the following schedules:

132 (1) For prisoners receiving sentence deductions  
133 pursuant to the Alabama Correctional Incentive Time Act,  
134 Article 3 of Chapter 9 of Title 14, the following schedule  
135 shall apply:

136 a. For terms of five years or less, the prisoner shall  
137 be scheduled for initial parole consideration on the current  
138 docket.

139 b. For terms over five years and up to 10 years, the  
140 prisoner shall be scheduled for initial parole consideration



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141 approximately 18 months prior to the minimum release date.

142 c. For terms of more than 10 years and up to 15 years,  
143 the prisoner shall be scheduled for initial parole  
144 consideration approximately two years and six months prior to  
145 the minimum release date.

146 (2) For prisoners convicted on or after March 21, 2001,  
147 of one or more of the following Class A felonies, the initial  
148 parole consideration date shall be set for a date once a  
149 prisoner has completed 85 percent of his or her total sentence  
150 or 15 years, whichever is less.

151 a. Rape in the first degree.

152 b. Kidnapping in the first degree.

153 c. Murder.

154 d. Attempted murder.

155 e. Sodomy in the first degree.

156 f. Sexual torture.

157 g. Robbery in the first degree with serious physical  
158 injury as defined in Section 13A-1-2.

159 h. Burglary in the first degree with serious physical  
160 injury as defined in Section 13A-1-2.

161 i. Arson in the first degree with serious physical  
162 injury as defined in Section 13A-1-2.

163 (3) For all other prisoners, the initial parole  
164 consideration date shall be set for a date following  
165 completion of one-third of the prisoner's sentence or 10  
166 years, whichever is less.

167 (4) If the prisoner is serving consecutive sentences,  
168 the initial parole consideration date may not be set for a



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169 date before the prisoner has separately served the time  
170 prescribed in this subsection for each consecutive sentence  
171 imposed.

172 (f) (1) The board may deviate from the initial parole  
173 consideration date established in subsection (e) or any  
174 reconsideration date prescribed by the board's rules only in  
175 either of the following circumstances:

176 a. To comply with the policy and procedural guidelines  
177 in effect on or before January 1, 2019, issued by the board  
178 under Section 15-22-24~~(e)~~.

179 b. If the prisoner ~~shows~~, by clear and convincing  
180 evidence, shows that he or she is more likely than not to be  
181 granted parole and that he or she would have been considered  
182 for parole on an earlier date under generally applicable rules  
183 or policies previously in effect.

184 (2) Any decision by the board to invoke the procedures  
185 of this subsection shall be subject to legal review by the  
186 deputy Attorney General or assistant Attorney General assigned  
187 to the board, prior to the issuance of a parole certificate  
188 and the prisoner's release. If it is determined that the grant  
189 of parole consideration failed to satisfy the requirements of  
190 this subsection or any rule adopted pursuant to this  
191 subsection, the decision shall be reversed and the prisoner  
192 shall be notified by the board.

193 (3) For purposes of paragraph (f) (1)b., the board shall  
194 adopt rules to determine whether a prisoner is more likely  
195 than not to be granted parole. These rules shall be designed  
196 to minimize the risk a prisoner will be prejudiced by any



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197 statutory or administrative changes in parole standards or  
198 procedures that have occurred since the date of the prisoner's  
199 conviction and shall include, but are not limited to, all of  
200 the following:

201 a. A requirement that the prisoner has completed a  
202 minimum total period of incarceration.

203 b. A requirement that the prisoner complete certain  
204 programs while in custody of the Department of Corrections.

205 c. A requirement that the prisoner provide a statement  
206 of support from a Department of Corrections staff member.

207 d. A requirement that the prisoner have no violent  
208 disciplinarys during a prescribed period preceding the  
209 prisoner's current application for parole consideration.

210 e. A requirement that the prisoner have no  
211 disciplinarys of any kind within a prescribed period  
212 preceding the prisoner's current application for parole  
213 consideration.

214 f. A requirement that the prisoner's risk of re-offense  
215 is determined to be medium or low following the completion of  
216 a validated risk and needs assessment, as defined in Section  
217 12-25-32, conducted by a trained probation and parole officer.

218 (4) A 30 days' written notice shall be provided to the  
219 Governor and Attorney General for any parole consideration  
220 date set by the board under subdivision (f)(1). The Governor  
221 and Attorney General shall have 14 days from the time notice  
222 is received to object to the grant of parole. If the board  
223 grants parole consideration under subdivision (f)(1) and did  
224 not give adequate notice to the Governor or Attorney General





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225 or granted parole consideration despite an objection from the  
226 Governor or Attorney General, the decision shall be reversed  
227 and the prisoner shall be notified by the board.

228 (g) (1) Notwithstanding any law to the contrary, any  
229 prisoner who is charged with a new federal, state, or local  
230 offense punishable by a term of imprisonment exceeding 12  
231 months shall not be considered for parole until after the  
232 charge has been disposed, whether by trial or other means.

233 (2) A prisoner shall immediately be notified by the  
234 Department of Corrections of any new charges pursuant to  
235 subdivision (1).

236 (h) (1) If a prisoner convicted of a nonviolent offense,  
237 as defined in Section 12-25-32, with a sentence of 20 years or  
238 less is denied parole, the board shall reconsider releasing  
239 the prisoner on parole no more than five years after his or  
240 her parole release denial.

241 (2) Any prisoner denied parole who has served at least  
242 15 years of his or her sentence, and has reached the age of  
243 67, shall have a reconsideration parole hearing no more than  
244 five years following a denial.

245 (i) (1) A prisoner with a serious chronic health  
246 condition whose parole was denied shall have the right to seek  
247 judicial review of the denial as provided in this subsection.  
248 For the purposes of this section, a "serious chronic health  
249 condition" includes any non-terminal physical or medical  
250 condition rendering an individual permanently and irreversibly  
251 incapacitated as determined by reasonable medical judgment.

252 (2) Within 28 days of receiving from the board, in



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253 writing, the denial of parole, the prisoner, or an individual  
254 acting on the prisoner's behalf, may appeal the decision.

255 (3) The venue for an appeal shall be the circuit court  
256 of the county of conviction.

257 (4) The petition shall be heard by the circuit judge  
258 who presided over the trial or, if the judge is no longer  
259 serving, by any of the circuit judges in the circuit where the  
260 prisoner was convicted.

261 (5) Review by the court shall be de novo by the circuit  
262 court without a jury.

263 (6) The decision by the circuit court may be appealed  
264 pursuant to the court of criminal appeals and is subject to  
265 the Rules of Appellate Procedure."

266 "§15-22-37

267 (a) The Board of Pardons and Paroles may adopt rules,  
268 not inconsistent with ~~the provisions of~~ this article, ~~touching~~  
269 ~~upon~~ relating to all matters ~~dealt with~~ included in this  
270 article, including, among others, practice and procedure in  
271 matters pertaining to paroles, pardons, and remission of fines  
272 and forfeitures; ~~provided, however, that no.~~ No rule adopted  
273 by the board ~~shall have the effect of denying to~~ may deny any  
274 person whose application for parole or the revocation of whose  
275 parole is being considered by the board from having the  
276 benefit of counsel or witnesses upon the hearing.

277 (b) The Board of Pardons and Paroles shall adopt rules  
278 to do all of the following:

279 (1) Establish a program of limited supervision for  
280 qualifying parolees ~~who qualify~~ addressing eligibility using



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281 validated risk and needs assessments, as defined in Section  
282 12-25-32, transfers among levels of supervision, to include  
283 guidelines for the transfer of lower-risk individuals to an  
284 administrative form of parole, and reporting requirements.

285 (2) Develop policies and procedures for screening,  
286 assessment, and referral for parolees to connect with  
287 recidivism reduction services including, but not limited to,  
288 cognitive behavioral intervention and substance abuse  
289 treatment.

290 (3) Establish a matrix of rewards for compliance and  
291 pro-social behaviors and swift, certain, and graduated  
292 sanctions to be imposed by the board, as provided under  
293 subsections (e) and (f) of Section 15-22-32, in response to  
294 corresponding violations of parole terms or conditions  
295 imposed.

296 (4) Establish clear guidelines and procedures that  
297 retain the board's discretion in individual parole release  
298 cases. ~~The guidelines shall provide that, if a prisoner~~  
299 ~~convicted of a nonviolent offense, as defined in Section~~  
300 ~~12-25-32, with a sentence of 20 years or less is denied~~  
301 ~~parole, the board shall reconsider releasing the prisoner on~~  
302 ~~parole no more than two years after such parole release~~  
303 ~~denial.~~ The guidelines shall allow use a current validated  
304 risk and needs assessment as defined in Section 12-25-32, past  
305 criminal history, program completion, institutional  
306 misconduct, and other individual characteristics related to  
307 the likelihood of offending in the future to be factored into  
308 the release decision while working to allocate prison space



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309 for the most violent and greatest risk prisoners.

310 (5) Ensure that the provisions of subsections (k) and  
311 (l) of Section 15-22-24 are implemented relating to the  
312 supervision and treatment of parolees.

313 (6) Establish criteria, guidelines, and procedures to  
314 discharge parolees from parole supervision requirements prior  
315 to the expiration of the full maximum term for which the  
316 parolee was sentenced, unless the parolee was convicted of a  
317 violent offense as defined in Section 12-25-32, which shall  
318 include review of a parolee for discharge from parole  
319 supervision at least every two years if the parolee has  
320 satisfied all financial obligations owed to the court,  
321 including restitution, and has not had his or her supervision  
322 revoked.

323 (c) Notwithstanding any other provision of law to the  
324 contrary, subsections (a) through (c) of Section  
325 41-22-5 ~~(a) -- (e)~~, Section 41-22-5.1(b), Section 41-22-6, and  
326 subsections (a) through (e) and subsection (g) of Section  
327 41-22-23 ~~(a) -- (e), -- (g)~~ of the Alabama Administrative Procedure  
328 Act shall apply to the board's adoption, amendment, or repeal  
329 of rules, procedures, guidelines, or other policies, except  
330 rules, procedures, guidelines, or other policies concerning  
331 the supervision of parolees or probationers. The Alabama  
332 Administrative Procedure Act shall not otherwise apply to the  
333 board. The notice required by ~~subdivision (a) (1) of~~ Section  
334 41-22-5 (a) (1) shall be given, and notice shall be given to the  
335 Governor and Attorney General or their designees.

336 (d) The Director of Pardons and Paroles shall post on



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337 the board's website [the guidelines provided under subdivision](#)  
338 [\(b\) \(4\) and](#) the board's existing rules, procedures, guidelines,  
339 or other policies concerning the grant or denial of pardons,  
340 the grant or denial of paroles, the restoration of political  
341 and civil rights, the remission of fines and forfeitures, and  
342 the revocation of parole."

343 **"§15-22-42**

344 **For the purposes of this article, the following terms**  
345 **~~shall~~ have the following meanings:**

346 **(1) BOARD. The Board of Pardons and Paroles.**

347 **~~(2) GERIATRIC INMATE. A person 60 years of age or older~~**  
348 **~~convicted in this state of a non-capital felony offense and~~**  
349 **~~sentenced to the penitentiary, who suffers from a chronic~~**  
350 **~~life-threatening infirmity, life-threatening illness, or~~**  
351 **~~chronic debilitating disease related to aging, who requires~~**  
352 **~~assistance with a necessary daily life function and poses a~~**  
353 **~~low risk to the community, and who does not constitute a~~**  
354 **~~danger to himself or herself or society.~~**

355 **~~(3) (2) NECESSARY DAILY LIFE FUNCTION. Eating,~~**  
356 **~~breathing, toileting, walking, or bathing.~~**

357 **~~(4) (3) PERMANENTLY INCAPACITATED INMATE. A state inmate~~**  
358 **~~who satisfies both of the following:~~**

359 **a. Is unable to perform one and requires assistance**  
360 **with one or more necessary daily life functions or who is**  
361 **completely immobile.**

362 **b. Has such limited physical or mental ability,**  
363 **strength, or capacity that he or she poses an extremely low**  
364 **risk of physical threat to others or to the community.**

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365 ~~(5)~~ (4) TERMINALLY ILL INMATE. A state inmate who has an  
366 incurable condition caused by illness or disease which would,  
367 with reasonable medical judgment, produce death within 12  
368 months, and who does not constitute a danger to himself or  
369 herself or society."

370 "§15-22-43

371 (a) (1) The Board of Pardons and Paroles shall establish  
372 a special medical parole docket and adopt the rules for  
373 implementation pursuant to Section 15-22-24(e). For each  
374 person considered for medical parole, the board shall  
375 determine whether the person is ~~a geriatric inmate~~ 67 years of  
376 age, a permanently incapacitated inmate, or a terminally ill  
377 inmate for purposes of placing the person on a special medical  
378 parole docket to be considered for parole by the board. An  
379 open public hearing shall be held, pursuant to Section  
380 15-22-23, to consider the medical parole of the inmate.  
381 Notices of the hearing shall be sent pursuant to Sections  
382 15-22-23 and 15-22-36. The notice shall clearly state the  
383 inmate is being considered for a medical parole.

384 (2) The Department of Corrections shall immediately  
385 provide, upon request from the board, a list of ~~geriatric,~~  
386 ~~persons 67 years of age or~~ permanently incapacitated, and  
387 terminally ill inmates who are otherwise eligible for parole,  
388 subject to the limitations provided under Section 15-22-28(e).  
389 By January 1 of each calendar year, the Department of  
390 Corrections shall additionally identify all inmates who have  
391 spent more than 30 or more days in an infirmary in the prior  
392 calendar year or received costly and frequent medical



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393 treatment outside a Department of Corrections facility in the  
394 previous 12 months, as well as all inmates suffering from a  
395 life-threatening illness and whose death is imminent within 12  
396 months, who are otherwise parole eligible, subject to the  
397 limitations provided under Section 15-22-28(e), and shall  
398 immediately provide this information to the board to determine  
399 if identified inmates may be considered for a medical parole.

400 (3) Upon a determination that the inmate is eligible  
401 for a medical parole, the board shall place the inmate on the  
402 next available special medical parole docket pursuant to rules  
403 adopted by the board for the board to consider the individual  
404 for medical parole.

405 (4) The board shall hold a medical parole hearing  
406 within 90 days of an inmate being placed on the special  
407 medical parole docket.

408 (b) Medical parole consideration shall be in addition  
409 to any other release for which an inmate may be eligible.

410 (c) In considering an inmate for medical parole, the  
411 board may request that additional medical evidence be  
412 produced, or that additional medical examinations be conducted  
413 by the Department of Corrections.

414 (d) In determining factors for a medical parole, the  
415 board shall take into consideration all of the following:

416 (1) Risk for violence.

417 (2) Criminal history.

418 (3) Institutional behavior.

419 (4) Age of the inmate, currently and at the time of the  
420 offense.



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421 (5) Severity of the illness, disease, or infirmities  
422 and whether the same existed at the time of the offense.

423 (6) All available medical and mental health records.

424 (7) Reentry plans, which include alternatives to caring  
425 for terminally ill or permanently incapacitated inmates in  
426 traditional prison settings.

427 (e) This article shall not apply to inmates ~~convicted~~  
428 serving a life without parole sentence for a conviction of  
429 capital murder or to inmates convicted of a sex offense, as  
430 provided in Section 15-20A-5.

431 (f) Unless provided otherwise in this article, any  
432 medical parole under this article shall comply with Article 2,  
433 Chapter 22, Title 15.

434 (g) (1) An inmate whose medical parole was denied shall  
435 have the right to seek judicial review of the denial as  
436 provided in this subsection.

437 (2) Within 28 days of receiving from the board, in  
438 writing, the reason for the denial of parole, the inmate, or  
439 an individual acting on the inmate's behalf, may appeal the  
440 decision.

441 (3) The venue for an appeal shall be the circuit court  
442 of the county of conviction.

443 (4) The petition shall be heard by the circuit judge  
444 who presided over the trial or, if the judge is no longer  
445 serving, by any of the circuit judges in the circuit where the  
446 inmate was convicted.

447 (5) Review by the court shall be de novo by the circuit  
448 court without a jury.





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449 (6) The decision by the circuit court may be appealed  
 450 pursuant to the court of criminal appeals and is subject to  
 451 the Rules of Appellate Procedure.

452 ~~(g)~~ (h) The board shall report annually to the Joint  
 453 Legislative Interim Prison Committee, House Judiciary  
 454 Sentencing Commission Subcommittee, the Joint Prison Oversight  
 455 Committee, and the Alabama Sentencing Commission on the number  
 456 of medical paroles granted, the nature of the illnesses,  
 457 diseases, and conditions of those paroled, the number of  
 458 inmates granted and denied medical parole, and the number of  
 459 cases granted medical parole, but that could not be released.  
 460 The crimes for which the inmates have been convicted shall  
 461 also be provided in the annual report. The report shall be  
 462 made in a manner that does not disclose any individual  
 463 identifying information for any particular inmate and shall be  
 464 compliant in all respects with the Health Insurance  
 465 Portability and Accountability Act.

466 ~~(h)~~ (i) This article shall not be deemed to grant any  
 467 entitlement or right to release."

468 Section 2. Sections 14-14-2 and 14-14-5, Code of  
 469 Alabama 1975, are amended to read as follows:

470 "§14-14-2

471 For purposes of this chapter, the following words shall  
 472 have the following meanings:

473 (1) COMMISSIONER. The Commissioner of the Department of  
 474 Corrections.

475 (2) DEPARTMENT. The Department of Corrections.

476 ~~(3) GERIATRIC INMATE. A person 55 years of age or older~~

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477 ~~convicted in this state of a non-capital felony offense and~~  
478 ~~sentenced to the penitentiary, who suffers from a chronic~~  
479 ~~life-threatening infirmity, life-threatening illness, or~~  
480 ~~chronic debilitating disease related to aging, who poses a low~~  
481 ~~risk to the community, and who does not constitute a danger to~~  
482 ~~himself or herself or society.~~

483 ~~(4)~~ (3) PERMANENTLY INCAPACITATED INMATE. A state inmate  
484 who possesses a permanent, irreversible physical or mental  
485 health condition that prevents him or her from being able to  
486 perpetrate a violent physical action upon another person or  
487 self or initiate or participate in a criminal act. The medical  
488 or mental health treatment or need for assistance of such  
489 individual must require daily assistance from a caretaker or a  
490 long-term skilled medical or rehabilitation center to perform  
491 or assist with activities of daily living, such as ambulation,  
492 dressing, and bathing and/or must require medications or  
493 treatments, such as hemodialysis, to sustain life which  
494 require regular diagnostic tests to monitor therapeutic  
495 effectiveness. Long-term care and housing needs of such  
496 individual with a physical or mental health condition  
497 described above must have the potential to exceed the  
498 capabilities to provide such need within the confinement of a  
499 secure correctional facility within the department.

500 ~~(5)~~ (4) TERMINALLY ILL INMATE. A person convicted of a  
501 non-capital felony offense who is sentenced to the  
502 penitentiary and who has an incurable condition caused by  
503 illness or disease which would, with reasonable medical  
504 judgment, produce death within 12 months, and who does not

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505 **constitute a danger to himself or herself or society."**

506 "§14-14-5

507 (a) An inmate, or any concerned person, including, but  
508 not limited to, the inmate's attorney, family, physician, or  
509 an employee or official of the department may ~~initiate~~  
510 ~~consideration~~ apply for medical furlough by submitting to the  
511 department ~~an initial~~ a medical ~~release~~ furlough application  
512 form along with supporting documentation as required by the  
513 department. The department shall provide an inmate with a copy  
514 of all supporting documentation upon the inmate's request.  
515 Supporting documentation shall include all of the following:

516 (1) Information concerning the inmate's medical  
517 history, prognosis, and age.

518 (2) Medical authorization form.

519 (3) ~~(b) (1) The initial application form shall include~~  
520 ~~the~~ A report of a physician ~~or physicians~~ employed by the  
521 department or its health care provider ~~and a~~ stating that the  
522 physician is of the opinion that the inmate is either  
523 terminally ill, permanently incapacitated, or that the inmate  
524 suffers from a chronic infirmity, illness, or disease related  
525 to aging.

526 (4) A notarized report of at least one other duly  
527 licensed physician who is board certified in the field of  
528 medicine for which the inmate is seeking a medical furlough,  
529 ~~and~~ who is not an employee of the department. ~~These reports~~  
530 ~~shall each be,~~ stating that the physician is of the opinion  
531 that the inmate is either terminally ill, permanently  
532 incapacitated, or that the inmate suffers from a chronic

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533 infirmity, illness, or disease related to aging.

534 ~~(2)~~ (b) The commissioner shall provide the ~~initial~~  
535 medical furlough application form and medical authorization  
536 forms to all department medical care providers, ~~and.~~  
537 Additionally, the forms shall be available at every  
538 correctional facility for distribution to inmates.

539 (c) Consideration for medical furlough shall be  
540 initiated by the submission of ~~an~~ a medical furlough  
541 application form, along with supporting documentation, to the  
542 commissioner from the department, the inmate, or the inmate's  
543 representative, ~~along with the department's supporting~~  
544 ~~documentation to the commissioner.~~

545 (d) If the appropriate medical documentation pursuant  
546 to subsection ~~(b)~~ (a) has indicated that the inmate is 67 years  
547 of age, permanently incapacitated, or terminally ill, the  
548 commissioner, within 60 days of receipt of ~~an initial~~ a  
549 medical furlough application form, shall make a decision  
550 regarding the release of the inmate on medical furlough  
551 pursuant to ~~the provisions of~~ this chapter. ~~The initial~~  
552 ~~application form and supporting document of inmates, who have~~  
553 ~~been diagnosed by a physician as suffering from a chronic~~  
554 ~~illness or disease related to aging, shall be submitted to the~~  
555 ~~commissioner within 60 days of receipt of the application by~~  
556 ~~the department. Supporting documentation shall include~~  
557 ~~information concerning the inmate's medical history and~~  
558 ~~prognosis, age, and institutional behavior. At the inmate's~~  
559 ~~request, the department shall also provide a copy of all~~  
560 ~~supporting documentation to the inmate.~~



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561 (e) In determining eligibility factors for a medical  
562 furlough, the commissioner shall take into consideration all  
563 of the following factors:

564 (1) Risk for violence.

565 (2) Criminal history.

566 (3) Institutional behavior.

567 (4) Age of the inmate, currently and at the time of the  
568 offense.

569 (5) Severity of the illness, disease, or infirmities.

570 (6) All available medical and mental health records.

571 (7) Release plans, which include alternatives to caring  
572 for terminally ill or permanently incapacitated inmates in  
573 traditional prison settings.

574 (f) (1) If the commissioner determines that a  
575 geriatrican inmate is 67 years of age, a permanently  
576 incapacitated inmate, or a terminally ill inmate meets the  
577 requirements for release to medical furlough pursuant to this  
578 chapter, the commissioner shall release the inmate on medical  
579 furlough pursuant to ~~the provisions of~~ this chapter within 90  
580 days of receipt by the commissioner of the ~~initial~~ medical  
581 furlough application form and supporting documentation.

582 (2) An inmate released on medical furlough may reside  
583 in this state or another state.

584 (g) The commissioner ~~shall have the authority to~~ may  
585 revoke the inmate's furlough pursuant to ~~subsection (h) of~~  
586 Section 14-14-4 (h).

587 ~~(g)~~ (h) At least 30 days prior to release of a geriatric  
588 an inmate who is 67 years of age, a permanently incapacitated



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589 inmate, or a terminally ill inmate under subsection (f), the  
590 commissioner shall provide notification of the medical  
591 furlough release to the district attorney of the jurisdiction  
592 where the inmate was last sentenced and shall also provide  
593 notification of the medical furlough release to the victim,  
594 victim's representative, and other interested individual via  
595 certified mail, return receipt requested, or by using the  
596 automated victim notification system as provided in Section  
597 15-22-36 and Section 15-22-36.2."

598 Section 3. This act shall become effective on October  
599 1, 2024.