

SENATE FILE NO. SF0088

Inmate medical parole.

Sponsored by: Senator(s) Meier and Fecht and
Representative(s) Warren

A BILL

for

1 AN ACT relating to sentence and imprisonment; authorizing
2 parole for inmates with serious medical needs as specified;
3 specifying conditions that must exist to qualify for
4 medical parole; requiring findings; requiring notice to the
5 prosecuting attorney and sentencing judge; specifying terms
6 of parole; authorizing revocation of medical parole as
7 specified; and providing for an effective date.

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9 *Be It Enacted by the Legislature of the State of Wyoming:*

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11 **Section 1.** W.S. 7-13-424 is created to read:

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13 **7-13-424. Medical parole; conditions.**

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15 (a) Notwithstanding any other provision of law
16 restricting the grant of parole, except for inmates

1 sentenced to death or life imprisonment without parole, the
2 board may grant a medical parole to any inmate meeting the
3 conditions specified in this section. The board shall
4 consider a medical parole upon receipt of written
5 certification by a licensed treating physician that, within
6 a reasonable degree of certainty, one (1) of the following
7 circumstances exist:

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9 (i) The inmate has a serious medical need which
10 requires treatment that cannot reasonably be provided while
11 confined in a state correctional facility;

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13 (ii) The inmate is incapacitated by age to the
14 extent that deteriorating physical or mental health
15 substantially diminishes the ability of the inmate to
16 provide self-care within the environment of a correctional
17 facility;

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19 (iii) The inmate is permanently physically
20 incapacitated as the result of an irreversible injury,
21 disease or illness which makes significant physical
22 activity impossible, renders the inmate dependent on
23 permanent medical intervention for survival or confines the

1 inmate to a bed, wheelchair or other assistive device where
2 his mobility is significantly limited; or

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4 (iv) The inmate suffers from a terminal illness
5 caused by injury or disease which is predicted to result in
6 death within twelve (12) months of the application for
7 parole.

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9 (b) The board may only grant a medical parole if it
10 first determines:

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12 (i) That, based on a review of all available
13 information, one (1) or more of the conditions specified in
14 subsection (a) of this section exists;

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16 (ii) That the inmate is not likely to abscond or
17 violate the law if released;

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19 (iii) That living arrangements are in place in
20 the community and sufficient resources are available to
21 meet the inmate's living and medical needs and expenses;
22 and

23

1 (iv) That the inmate does not have a medical
2 condition that would endanger public health, safety or
3 welfare if the inmate were released, or that the inmate's
4 proposed living arrangements would protect the public
5 health, safety or welfare from any threat of harm the
6 inmate's medical condition may pose.

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8 (c) Upon the board's request, an independent medical
9 evaluation by a licensed physician or other qualified
10 professional shall be conducted, provided to the board and
11 paid for by the department.

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13 (d) The board shall provide the prosecuting attorney
14 and the sentencing judge with prior notice of, and the
15 opportunity to provide input regarding, a medical parole
16 hearing for an inmate who is otherwise ineligible for
17 parole.

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19 (e) The board shall impose terms and conditions of
20 parole as it deems necessary, including but not limited to
21 requiring periodic medical progress reports, in granting a
22 medical parole. A medical parole may be revoked if the
23 parolee violates a condition of parole or if the medical
24 condition which was the basis for the grant of parole no

1 longer exists or has been ameliorated to the extent that
2 the justification for medical parole no longer exists.

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4 **Section** 2. W.S. 7-13-401(a) (intro),
5 7-13-402(e) (intro) and (g), 7-13-407(a) (i) and
6 7-13-418(a) (intro) are amended to read:

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8 **7-13-401. Definitions; creation of board; officers;**
9 **compensation; hearing panels; meetings.**

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11 (a) As used in W.S. 7-13-401 through ~~7-13-421~~
12 7-13-424:

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14 **7-13-402. General powers and duties of board;**
15 **eligibility for parole; immunity.**

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17 (e) The board may adopt reasonable rules and
18 regulations necessary to carry out the functions assigned
19 to the board by W.S. 7-13-401 through ~~7-13-421~~ 7-13-424
20 including rules relating to:

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22 (g) Notwithstanding W.S. 1-39-101 through 1-39-119,
23 the board and its members are immune from any liability,
24 either as a board or individually, for any actions,

1 inactions or omissions by the board or any member thereof,
2 pursuant to W.S. 7-13-401 through ~~7-13-421~~ 7-13-424.

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4 **7-13-407. Duties of probation and parole agents.**

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6 (a) Under direction and supervision of the director,
7 probation and parole agents shall:

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9 (i) Except as otherwise directed by the
10 director, devote full time to the performance of their
11 duties in carrying out the provisions of W.S. 7-13-401
12 through ~~7-13-421~~ 7-13-424;

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14 **7-13-418. Selection, training and powers of local
15 volunteer; compensation.**

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17 (a) In order to further the objectives of W.S.
18 7-13-401 through ~~7-13-421~~ 7-13-424, the state probation and
19 parole officer may select, organize and train local
20 volunteer citizens who, acting under his supervision, may:

21

22 **Section 3.** This act is effective July 1, 2008.

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(END)