

SENATE FILE NO. SF0088

Inmate medical furlough.

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 probation; 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) Except for inmates sentenced to death or life
16 imprisonment without parole, the board may grant a medical

1 parole to any inmate meeting the conditions specified in
2 this section. The board shall consider a medical parole
3 upon receipt of written certification by a licensed
4 treating physician that, within a reasonable degree of
5 certainty, one (1) of the following circumstances exist:

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

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

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17 (iii) The inmate is permanently physically
18 incapacitated as the result of an irreversible injury,
19 disease or illness which makes significant physical
20 activity impossible, renders the inmate dependent on
21 permanent medical intervention for survival or confines the
22 inmate to a bed, wheelchair or other assistive device where
23 his mobility is significantly limited; or

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

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

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

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13 (ii) That the inmate is not likely to abscond or
14 violate the law if released; and

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16 (iii) That living arrangements are in place in
17 the community and sufficient resources are available to
18 meet the inmate's living and medical needs and expenses.

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

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1 (d) The board shall provide the prosecuting attorney
2 and the sentencing judge with prior notice of, and the
3 opportunity to provide input regarding, a medical parole
4 hearing for an inmate who is otherwise ineligible for
5 parole.

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7 (e) The board shall impose terms and conditions of
8 parole as it deems necessary, including but not limited to
9 requiring periodic medical progress reports, in granting a
10 medical parole. A medical parole may be revoked if the
11 parolee violates a condition of parole or if the medical
12 condition which was the basis for the grant of parole no
13 longer exists or has been ameliorated to the extent that
14 the justification for medical parole no longer exists.

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16 **Section** **2.** W.S. 7-13-401(a)(intro),
17 7-13-402(e)(intro) and (g), 7-13-407(a)(i) and
18 7-13-418(a)(intro) are amended to read:

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20 **7-13-401. Definitions; creation of board; officers;**
21 **compensation; hearing panels; meetings.**

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23 (a) As used in W.S. 7-13-401 through ~~7-13-421~~
24 7-13-424:

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2 **7-13-402. General powers and duties of board;**
3 **eligibility for parole; immunity.**

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

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10 (g) Notwithstanding W.S. 1-39-101 through 1-39-119,
11 the board and its members are immune from any liability,
12 either as a board or individually, for any actions,
13 inactions or omissions by the board or any member thereof,
14 pursuant to W.S. 7-13-401 through ~~7-13-421~~ 7-13-424.

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16 **7-13-407. Duties of probation and parole agents.**

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

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

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2 **7-13-418. Selection, training and powers of local**
3 **volunteer; compensation.**

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5 (a) In order to further the objectives of W.S.
6 7-13-401 through ~~7-13-421~~ 7-13-424, the state probation and
7 parole officer may select, organize and train local
8 volunteer citizens who, acting under his supervision, may:

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

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12

(END)