

SENATE BILL NO. 321

INTRODUCED BY CHRISTIAENS, SMITH, BROOKE

IN THE SENATE

FEBRUARY 5, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 16, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 17, 1993	PRINTING REPORT.
FEBRUARY 18, 1993	SECOND READING, DO PASS.
FEBRUARY 19, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 46; NOES, 3.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 19, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 27, 1993	SECOND READING, CONCURRED IN.
MARCH 30, 1993	THIRD READING, CONCURRED IN. AYES, 96; NOES, 4.
MARCH 31, 1993	RETURNED TO SENATE.

IN THE SENATE

MARCH 31, 1993	RECEIVED FROM HOUSE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *321*
2 INTRODUCED BY *Christiane Smith*
3 *Praske*
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE CRITERIA
5 FOR MEDICAL PAROLE; AND AMENDING SECTION 46-23-210, MCA."

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8 **Section 1.** Section 46-23-210, MCA, is amended to read:

9 "46-23-210. Medical parole. (1) The board may release
10 on medical parole by appropriate order a person placed in a
11 correctional institution or program, except a person under
12 sentence of death. To be eligible for a medical parole, a
13 person must have an examination and written diagnosis by a
14 physician licensed under Title 37 to practice medicine. The
15 diagnosis must include:

16 (a) a determination that the person suffers from an
17 incapacitating physical condition, disease, or syndrome that
18 renders the person incapable-of-presenting highly unlikely
19 to present a clear and present danger to society public
20 safety;

21 (b) a description of the physical condition, disease,
22 or syndrome and a detailed description of the person's
23 physical incapacity; and

24 (c) a prognosis addressing the likelihood of the
25 person's recovery from the physical condition, disease, or

1 syndrome and the extent of any potential recovery.

2 (2) The diagnosis must be reviewed and accepted by the
3 department before the board may consider granting a medical
4 parole.

5 (3) The board shall require as a condition of medical
6 parole that the person agree to placement in an environment
7 chosen by the department during the parole period, including
8 but not limited to a hospital, nursing home, or family home.
9 The board may require as a condition of parole that the
10 person agree to periodic examinations and diagnoses at the
11 person's expense. Reports of each examination and diagnosis
12 must be submitted to the board and department by the
13 examining physician. If either the board or department
14 determines that the person's physical capacity has improved
15 to the extent that the person poses is likely to pose a
16 possible detriment to society, the board may revoke the
17 parole and return the person to the custody of the
18 department.

19 (4) Medical parole may be requested by the board, the
20 department, an incarcerated person, or an incarcerated
21 person's parent, grandparent, child, or sibling by
22 submitting the request in writing to the administrator of
23 the correctional institution in which the person is
24 incarcerated.

25 (5) A grant or denial of medical parole does not affect

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1 the person's eligibility for nonmedical parole.
2 (6) Sections 46-23-203 through 46-23-207 and 46-23-215
3 through 46-23-218 apply to nonmedical parole."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0321, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act revising the criteria for medical parole; and amending section 46-23-210, MCA.

ASSUMPTIONS:


1. FY92-93 biennium medical expenditures for off sight care are \$3.2 million.
2. FY94-95 biennium current level executive budget medical request is \$2,934,226.
3. Under current law, 10 cases have been referred but none were paroled.
4. Under the proposed law, at least 2 cases annually will be paroled at an average savings of \$15,000 per case (\$30,000 per year).

FISCAL IMPACT:Expenditures:

	FY '94			FY '95		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
Operating Cost	1,426,441	1,396,441	(30,000)	1,507,785	1,477,785	(30,000)

Funding:

General Fund	1,426,441	1,396,441	(30,000)	1,507,785	1,477,785	(30,000)
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 2-10-93
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 2/12/93
CHRIS CHRISTIAENS, PRIMARY SPONSOR DATE

Fiscal Note for SB0321, as introduced**SB 321**

APPROVED BY COMMITTEE
ON JUDICIARY

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2 INTRODUCED BY *Christine Smith*
3 *Senate*
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