

Sectional Analysis

CS for HB 229 (STA)

“An Act relating to special medical parole and to prisoners who are severely medically and cognitively disabled.”

Section 1: Amends [AS 33.16.085](#)(a). Special medical parole. Removes the language stating that a prisoner who may be considered for medical parole may not be convicted of an offense in violation of [AS 11.41.434](#) through [AS 11.41.438](#) (Sexual abuse of a minor 1,2,3) and was not severely medically disabled or a quadriplegic at the time of the offense.

Adds language that the prisoner must be either severely medically disabled or have a cognitive disability. In addition to the above, other provisions allowing for special medical parole are:

- The prisoner was not suffering from the medical or cognitive disability at the time of the offense was committed or the medical or cognitive disability the prisoner had at the time of offense has progressed so that the likelihood of the prisoner committing the same or similar offense is low;
- The care and supervision required of the prisoner can be provided in a more medically appropriate or cost effective manner than can be provided by the Department of Corrections;
- The prisoner is incapacitated to the extent that institutional confinement does not offer additional restrictions; and
- The prisoner is likely to die or remain subject to the condition throughout the entire period of parole and there is no reasonable expectation that the prisoner’s disability will improve noticeably.
- A discharge plan that addresses basic life domains of the prisoner to include care coordination, housing, eligibility for public benefits and health care and medication must be formulated prior to release.

Section 2: Amends [AS 33.16.087](#)(a). Rights of certain victims in connection with special medical parole. Removes the words “against a person or arson in the first degree”. This allows victims of any crime to request notice of a scheduled hearing to review or consider special medical parole. The parole board is required to send notice 30 days before the hearing.

Section 3: Amends [AS 33.16.900](#)(11). Definitions. Adds “or cognitively” disabled to the definition of severely medically disabled. Also adds “or a cognitive condition” to the definition. The words “eliminates” and “physical” are removed. Eliminates is replaced by reduces. Removal of the word “physical” allows for any disability to be considered for medical parole.

Section 4: Amends [AS 33.16.900](#)(12). Definitions. Amends the definition of special medical parole to include “or cognitively”.

Section 5: Amends [AS 33.30.017](#)(c). Adds cognitively to this section of statute.