

By: Representatives Ellis, Clarke,
Henderson, Howell, Huddleston, Smith (35th),
Thomas, Scott (80th)

To: Penitentiary

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 851

1 AN ACT TO CREATE THE MEDICAL RELEASE REVIEW BOARD OF THE
2 MISSISSIPPI DEPARTMENT OF CORRECTIONS; TO PROVIDE THE
3 CIRCUMSTANCES BY WHICH THE BOARD MAY CONSIDER AN OFFENDER FOR
4 MEDICAL RELEASE; TO PROVIDE THAT THE MEDICAL RELEASE BOARD SHALL
5 VOTE UNANIMOUSLY TO PLACE AN OFFENDER ON MEDICAL RELEASE; TO
6 PROVIDE THAT VICTIMS SHALL HAVE THE RIGHT TO RECEIVE NOTIFICATION
7 OF AN OFFENDERS CONSIDERATION FOR RELEASE; TO PROVIDE THAT AN
8 OFFENDER MAY NOT BE PLACED ON MEDICAL RELEASE UNLESS HE HAS SERVED
9 AT LEAST ONE YEAR OF HIS SENTENCE; TO PROVIDE THAT DEATH ROW
10 OFFENDERS SHALL NOT BE ELIGIBLE FOR MEDICAL RELEASE; AND FOR
11 RELATED PURPOSES.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

13 SECTION 1. (1) There is hereby created the Medical Release
14 Review Board of the Mississippi Department of Corrections, which
15 shall consist of three (3) members: (a) the commissioner, (b) the
16 medical director; and (c) the Chairman of the State Parole Board.

17 (2) Before the board may consider an offender for medical
18 release, the board must determine that because of the physical
19 condition of the offender: (a) he is incapable of committing a
20 criminal offense or engaging in criminal conduct for the remainder
21 of his sentence and is not likely to pose a serious threat to the
22 health, safety and welfare of the general public; (b) his
23 continued incarceration will serve no rehabilitative purposes; and
24 (c) the state would incur unreasonable expenses as a result of his
25 continued incarceration.

26 (3) The Medical Release Review Board shall vote unanimously
27 to release an offender under this section.

28 (4) A victim, guardian of a victim, or close relative of a
29 deceased victim shall receive notification from the Medical
30 Release Board that the offender, who has perpetrated a crime upon
31 such victim, is being considered for medical release. The victim,



32 guardian of the victim, or close relative of the deceased victim
33 shall be informed that he or she has the right to appear before
34 the Medical Release Board prior to the release of the offender.
35 The notification shall be by certified mail with return receipt
36 requested.

37 (5) An offender may not be placed on medical release unless
38 he has served at least one (1) year of his sentence.

39 (6) An offender who has been sentenced to death shall not be
40 eligible for medical release.

41 (7) This section shall stand repealed on July 1, 2003.

42 SECTION 2. This act shall take effect and be in force from
43 and after its passage.

