

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.