

By: Senator(s) Simmons (12th)

To: Corrections; Medicaid

SENATE BILL NO. 2171

1 AN ACT TO AMEND SECTION 47-7-4, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE AUTHORITY OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS
3 TO PLACE AN OFFENDER ON CONDITIONAL MEDICAL RELEASE; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 47-7-4, Mississippi Code of 1972, is
7 amended as follows:

8 47-7-4. (1) The commissioner and the medical director of
9 the department may place an offender who has served not less than
10 one (1) year of his or her sentence, except an offender convicted
11 of a sex crime, on conditional medical release. However, a
12 nonviolent offender who is bedridden or has a long-term
13 debilitating medical condition may be placed on conditional
14 medical release regardless of the time served on his or her
15 sentence. Upon the release of a nonviolent offender who is
16 bedridden, the state shall not be responsible or liable for any
17 medical costs that may be incurred if such costs are acquired
18 after the offender is no longer incarcerated due to his or her
19 placement on conditional medical release. The commissioner shall



20 not place an offender on conditional medical release unless the
21 medical director of the department certifies to the commissioner
22 that (a) the offender is suffering from a * * * long-term
23 debilitating medical condition with no possibility of recovery;
24 (b) that his or her further incarceration will serve no
25 rehabilitative purposes; and (c) that the state would incur
26 unreasonable expenses as a result of his or her continued
27 incarceration. Any offender placed on conditional medical release
28 shall be supervised by the Division of Community Corrections of
29 the department for the remainder of his or her sentence and may be
30 placed in the Intensive Supervision Program as provided in Section
31 47-5-1001 et seq. An offender's conditional medical release may
32 be revoked and the offender returned and placed in actual custody
33 of the department if the offender violates an order or condition
34 of his or her conditional medical release. An offender who is no
35 longer bedridden or suffering from a long-term debilitating
36 medical condition shall be returned and placed in the actual
37 custody of the department.

38 (2) (a) The State Parole Board may grant a medical parole
39 and referral to licensed special care facilities for paroled
40 inmates for an inmate determined to be "medically frail" as
41 defined in this subsection.

42 (b) For purposes of this subsection (2), the term
43 "medically frail" means an individual who has a mental or physical
44 medical condition from which he or she, to a reasonable degree of



45 medical certainty, is not expected to recover and as a result
46 cannot perform daily living activities and who is a minimal threat
47 to society as a result of the mental or physical medical
48 condition.

49 (c) The following conditions apply to a parole granted
50 under this subsection (2):

51 (i) An inmate who has been sentenced to capital
52 punishment is not eligible;

53 (ii) An inmate who has been convicted as a
54 criminal sex offender is not eligible;

55 (iii) An inmate does not pose a public safety risk
56 or risk of flight as determined by the State Parole Board;

57 (iv) If the prisoner is incapacitated as a result
58 of a mental or physical medical condition as prescribed under
59 paragraph (b) of this subsection, an individual legally entitled
60 to agree to the inmate's placement agrees to the inmate's
61 placement in a licensed special care facility for paroled inmates
62 or in a medical facility where medical care and treatment are
63 determined to be appropriate for the parolee by the State Parole
64 Board;

65 (v) An inmate shall agree to the release of his or
66 her medical records that are directly relevant to the condition or
67 conditions rendering the inmate medically frail to any prosecuting
68 attorney of the county from which the inmate was committed before



69 the State Parole Board determines whether or not to grant parole
70 under this subsection;

71 (vi) If the inmate is granted parole under this
72 subsection (2), the inmate shall agree to the quarterly release of
73 his or her medical records that are directly relevant to the
74 condition or conditions rendering the inmate medically frail at
75 the request of any prosecuting attorney of the county from which
76 the inmate was committed;

77 (vii) The parolee shall adhere to the terms of his
78 or her parole for the length of his or her parole term, and the
79 parole shall be for a term not less than the time necessary to
80 reach the prisoner's earliest release date;

81 (viii) The department or the State Parole Board
82 shall not retain authority over the medical treatment plan for the
83 inmate granted parole under this subsection (2);

84 (ix) The department and the State Parole Board
85 shall ensure that the placement and terms and conditions of parole
86 granted under this subsection (2) do not violate any other state
87 or federal regulations;

88 (x) A facility utilized by the department to
89 facilitate parole under this subsection (2) shall be operated in a
90 manner that ensures the safety of the residents of the facility;

91 (xi) If the inmate recovers from the mental or
92 physical medical condition that rendered the inmate medically
93 frail under this subsection (2), the State Parole Board shall



94 revoke the parole granted under this subsection (2), and the
95 department shall ensure that the inmate returns to incarceration.

96 (d) The Mississippi Department of Corrections may enter
97 into contracts to facilitate the housing of paroled inmates under
98 this subsection (2). The Mississippi Department of Corrections
99 shall appoint a specialist in the appropriate field of medicine,
100 who is not employed by the department, to evaluate the condition
101 of the inmate considered for parole under this subsection (2) and
102 to report on that condition to the department and the State Parole
103 Board. The State Parole Board shall determine whether the inmate
104 is medically frail in consultation with the Mississippi Department
105 of Health.

106 **SECTION 2.** This act shall take effect and be in force from
107 and after July 1, 2024.

