

**STATE OF ALABAMA
BOARD OF PARDONS AND PAROLES**

BOARD ORDER

The Alabama Board of Pardons and Paroles met on this 9th day of November 2017, in open public meeting, at which time the following Board Members were present: Cliff Walker, Chairman; Lyn Head, Associate Member; and Terry G. Davis, Associate Member.

The Board votes to revise the Board's Operating Rules, Regulations, and Procedures in accordance with Act 2017-355 (the Alabama Medical Parole Act). The existing rules are hereby amended as follows:

Article 1 is amended to add Sections 13-17:

"13. On a regular basis and at least every 6 months, geriatric, permanently incapacitated, and terminally ill inmates, as defined by Act 2017-355 (the Alabama Medical Parole Act), will be docketed for medical parole consideration on the next available docket if:

- (a) The inmate is eligible for parole;
- (b) The inmate is not convicted of a capital offense or a sex offense;
- (c) The Department of Corrections, by and through its medical or mental health care provider, certifies the inmate qualifies as geriatric, permanently incapacitated, or terminally ill, as defined by Act 2017-355; and

These rules will serve as a standing request by the Board to the Department of Corrections to provide a "medical parole list" of parole eligible inmates who qualify as geriatric, permanently incapacitated, or terminally ill, as defined by Act 2017-355, and who are not convicted of a capital or sex offense. This list is requested from the Department at a minimum of every six months hereto forward, although the Department may refer any case that meets the above criteria at any time. Inmates on the Department's list or otherwise referred by the Department for medical parole consideration will be classified by the Department as geriatric, permanently incapacitated, or terminally ill, as applicable, by its medical or mental health care provider; such will serve as the Department's certification required by Article 1, Section 13(c) of these rules.

14. On an annual basis and pursuant to Act 2017-355, the Department of Corrections shall also identify all inmates who:

- (a) During the previous 12 months, have spent more than 30 days in an infirmary;
- (b) During the previous 12 months, received costly and frequent outside medical treatment; or

- (c) Are currently suffering from a life-threatening illness whose death is determined to be imminent within 12 months.

From this group of inmates, the Department will determine, by and through, its medical or mental health care provider, whether each qualifies as geriatric, permanently incapacitated, or terminally ill, as defined by Act 2017-355. The Department will then provide an “annual medical parole list” by January 1 of each year hereto forward to the Board containing the inmates so determined and classified, but excluding inmates who are not parole eligible and who are convicted of a capital or sex offense. Inmates on this list will be placed on the next available parole docket for medical parole consideration by the Board.

15. The Board may request supporting documentation, including medical/mental health records from the Department of Corrections as deemed necessary by the Board in considering an inmate for medical parole.

16. No inmate shall be deemed to have a right or entitlement to medical parole.

17. Medical parole shall be in addition to any other release for which the inmate may be eligible.

Article 2, Section 2 is repealed and replaced as follows:

~~“2. Cases involving medically infirm inmates may be referred to the Review Committee at any time, unless the inmate is ineligible for parole based on his/her sentence or conviction.”~~

2. Geriatric, permanently incapacitated, and terminally ill inmates as defined by Act 2017-355 are exempt from the Review Committee process established by this Article. Scheduling of parole consideration for such inmates will follow the protocol established by Article 1, Sections 13 through 17 of these rules, whether for initial parole consideration or following the Board’s denial or revocation of parole.”

Article 4 is amended to add Section 10:

“10. Notification of cases docketed for parole consideration pursuant to Act 2017-355 (the Alabama Medical Parole Act) will specify the action to be considered by the Board is a medical parole.”

These rule revisions will become effective November 24, 2017, the effective date of Act 2017-355. The Board’s first request for a list of medical parole candidates from the Department of Corrections will be as of the effective date of the Act, with a standing request for the same to be provided by the Department every six months thereafter as specified above.

These revisions will be incorporated into the Board's Operating Rules, Regulations, and Procedures that are published on the Board's website.

This Board Order will also be posted on the Board's website for access by agency employees, government officials, and members of the public.

The agency's Legal Division will maintain a copy of the previous version of these rules.

Done this 9th day of November 2017.

APPROVED

DISAPPROVED



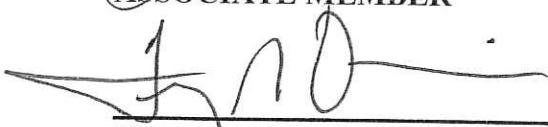
CLIFF WALKER
CHAIRMAN

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CHAIRMAN



LYN HEAD
ASSOCIATE MEMBER

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TERRY G. DAVIS
ASSOCIATE MEMBER

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