



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 599 (as introduced 10-19-23)
Sponsor: Senator Erika Geiss
Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 3-19-24

CONTENT

The bill would amend the Corrections Code to allow a medically frail prisoner eligible for medical parole to be released to a placement approved by the parole board, instead of a parole board approved medical facility. The bill also would include among the medical conditions qualifying a parolee as medically frail a terminal medical or mental health condition resulting in life expectancy of under 12 months.

Under the Code, a parole board may grant medical parole for certain medically frail prisoners who were not convicted of a crime punishable by imprisonment for life without parole or first-degree criminal sexual misconduct.

"Medically frail" means an individual who is a minimal threat to society as a result of his or her medical condition, who has received a risk score of low on a validated risk assessment, whose recent conduct in prison indicates that he or she is unlikely to engage in assaultive conduct, and who has one or both of the following:

- A permanent or terminal physical disability or serious and complex medical condition resulting in the inability to walk, stand, or sit without personal assistance.
- A permanent or terminal disabling mental disorder including dementia, Alzheimer's, or a similar degenerative brain disorder that results in the need for nursing home level of care, and a significantly impaired ability to perform two or more activities or daily living.

Under the bill, the term would mean an individual who is a minimal threat to society as a result of the individual's medical condition, whose recent conduct in prison indicates that he or she is unlikely to engage in assaultive conduct, and who has at least one of the following:

- A permanent physical disability or serious and complex medical condition resulting in the inability to walk, stand, or sit without personal assistance.
- A terminal medical or mental health condition resulting in a life expectancy of under 12 months.
- A permanent disabling mental disorder including dementia, Alzheimer's, or a similar degenerative brain disorder that results in the need for nursing home level of care, and a significantly impaired ability to perform two or more activities or daily living.

Among other conditions, a medically frail prisoner must only be released on parole if he or she agrees to his or her placement, or if the parolee is unable to consent because of his or her physical or mental health condition, an individual legally entitled to agree to the placement agrees that the parolee be placed in a medical facility approved by the parole board where medical care and treatment can be provided. The bill would modify this language to specify that the agreed upon placement would have to be as approved by the parole board and would not have to be a medical facility.

The bill would delete the provisions below, all of which concern a parolee's placement in a medical facility.

After the agreement described above, a medically frail prisoner receiving parole must only be placed in a medical facility that agrees to accept the parolee. A parolee or an individual entitled to agree to the parolee's placement, other than a medical facility, must inform the parole board immediately if any of the following occur:

- The parolee is no longer eligible for care at the medical facility at which he or she was placed.
- The parolee must be moved to another location for medical care.
- The parolee is no longer at the medical facility approved by the parole board.
- The parolee no longer needs the level of care that resulted in the parolee's placement at the medical facility.

The parole board must immediately notify the prosecutor for the county in which the offender was convicted and the sentencing or successor judge if the parolee is no longer eligible for care or no longer needs the level of care for which the prisoner was placed at the medical facility.

A parolee placed in a medical facility must have the same patient rights and responsibilities as any other individual who is a resident of or was admitted to the medical facility.

MCL 791.234 & 791.235

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco, Jr.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.