

SB 520 A STAFF MEASURE SUMMARY

Senate Committee On Health Care

Action Date: 03/29/23

Action: Do pass with amendments. Refer to Ways and Means by prior reference. (Printed A-Eng).

Vote: 3-2-1-0

Yeas: 3 - Campos, Patterson, President Wagner

Nays: 2 - Bonham, Hayden

Exc: 1 - Gorsek

Fiscal: Fiscal impact issued

Revenue: No revenue impact

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Meeting Dates: 3/13, 3/29

WHAT THE MEASURE DOES:

Establishes the Medical Release Advisory Committee (Committee) within the Oregon Board of Parole and Post-Prison Supervision (Board) to review applications for early medical release and make recommendations to the Board. Directs the Governor to appoint licensed medical providers to the Committee and allows the Committee to hire a navigator to assist applicants. Requires the Department of Corrections (DOC) to directly refer adults in custody with a terminal illness with a prognosis of 12 months or less to live. Requires a panel of Committee members to review each application for completeness, and once complete, to make recommendations within 45 days (14 days for expedited applications). Restricts the Committee from reviewing more than five applications per month. Directs the Board to review recommendations from the Committee and hold a hearing within 45 days of receipt (unless it finds good cause to postpone). Requires an attorney to be appointed to financially eligible applicants. Permits the Board to require psychological evaluation or risk assessment of an applicant. Directs the Board to accept the recommendation of the committee, unless if by clear and convincing evidence, the Board finds the applicant poses a danger to the safety of another person or the public, and the danger outweighs any compassionate reasons for the release. Creates a process for the sentencing court to authorize early medical release, when applicable. Directs the district attorney of the county in which the sentencing court is located to make reasonable efforts to notify the victims, if any, of the motion and hearing. Requires the Committee to track certain data and provide a report to the Judiciary Committees of the Legislative Assembly by December 31 of each year. Increases membership of the Board from five to six members. Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Prospective cost of additional process
- Limit to review no more than five applications per month
- Medical basis for early release

EFFECT OF AMENDMENT:

Restricts release of persons convicted of certain crimes or sentenced to life imprisonment so that limitations on medical release are consistent among adults convicted of aggravated murder and Measure 11 crimes.

BACKGROUND:

Major functions of the Oregon Board of Parole and Post-Prison Supervision (Board) include setting release dates for individuals who are eligible for parole and establishing community supervision conditions for individuals. To qualify for early medical release, an application must be submitted to the Board. When making a decision to advance the release date of an adult in custody (AIC), the Board must consider a variety of factors, including the

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age of the AIC, a medical authority's determination of whether the AIC is unable to move from place to place without the assistance of another person, and whether the AIC has a terminal illness defined as a medical authority's reasonable belief that the AIC's life expectancy is less than twelve months. The process can take several weeks to several months.

Senate Bill 520 A establishes the Medical Release Advisory Committee within the Oregon Board of Parole and Post-Prison Supervision (Board) to review and make recommendations to the full Board on up to five applications per month for early medical release.