

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Rules by Prior Reference
Vote:	5 - 0 - 0
Yeas:	Bonamici, Dingfelder, Kruse, Whitsett, Prozanski
Nays:	0
Exc.:	0
Prepared By:	Bill Taylor, Counsel
Meeting Dates:	2/1, 4/13, 4/18, 4/19

WHAT THE MEASURE DOES: Allows the Department of Corrections and the Board of Parole and Post-Prison Supervision to release early terminally ill inmates who are not otherwise eligible for release. Excludes inmates found guilty of aggravated murder or murder.

ISSUES DISCUSSED:

- Cost savings
- End of life care

EFFECT OF COMMITTEE AMENDMENT: Clarifies that the severe medical condition, including terminal illness, has caused substantial physical or cognitive impairment or incapacity for which there is no reasonable expectation of significant improvement.

BACKGROUND: The annual cost for an inmate in the Oregon Department of Corrections is approximately \$30,000. The cost for a terminally inmate can exceed \$500,000 a year.

In any given year, Oregon has approximately 25 terminally ill inmates. About forty percent of these inmates are serving sentences that cannot be reduced except by a Governor's pardon. Federal law prohibits those incarcerated in prison from receiving federally funded medical benefits. The result is that the terminally ill cannot die at home with family, and the state of Oregon must pay for their final medical expenses.

Article I, section 44 of the Oregon Constitution prohibits the setting aside of a sentence imposed by a judge except by a Governor's pardon. Senate Bill 78 A allows the Parole Board to release a terminally ill inmate early. Senate Bill 78 A is not operative unless and until the voters approve Senate Joint Resolution 3 A.