SB 520   STAFF MEASURE SUMMARY

Senate Committee On Health Care

Prepared By:	Maya Green, LPRO Analyst
Sub-Referral To:	Joint Committee On Ways and Means
Meeting Dates:	3/13

WHAT THE MEASURE DOES:

Modifies the process for an adult in custody to apply for early medical release. Establishes the Medical Release Advisory Committee (Committee) within the Oregon Board of Parole and Post-Prison Supervision (Board). Requires committee members to be licensed medical providers, appointed by the Governor. Directs the Board to hire at least one navigator to support the Committee and assist applicants. Directs the Committee develop an application form. Requires Department of Corrections (DOC) to directly refer adults in custody if they have a terminal illness with a prognosis of 12 months or less to live, with the consent of the adult in custody.

Establishes the application process, requiring a panel of Committee members to review each application for completeness. Once complete, the Committee must review applications and make recommendations within 45 days (14 days for expedited applications). Restricts the Committee from reviewing more than five applications per month. Allows the Committee to consult with an outside medical expert. If the Committee recommends early release, directs the Committee to submit the application and recommendation to the Board for review. If an applicant's request is denied by the Committee, allows for reapplication to the committee upon substantial change in circumstances or new relevant information.

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:

EFFECT OF AMENDMENT:

Clarifies restrictions on release of persons convicted of certain crimes or sentenced to life imprisonment. Removes provisions that would allow the Committee to review additional applications in case of public health emergency.

BACKGROUND:

Major functions of the Oregon Board of Parole and Post-Prison Supervision include setting release dates for individuals who are eligible for parole and establishing community supervision conditions for individuals. To

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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 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 modifies the process and requirements for early medical release of an adult in custody and creates the Medical Release Advisory Committee within the Oregon Board of Parole and Post-Prison Supervision to review applications for early medical release.