

**SB 1560 A STAFF MEASURE SUMMARY**

**Senate Committee On Judiciary**

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**Action Date:** 02/12/24

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

**Vote:** 3-2-0-0

**Yeas:** 3 - Gelser Blouin, Manning Jr, Prozanski

**Nays:** 2 - Linthicum, Thatcher

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

**Prepared By:** Amie Fender-Sosa, LPRO Analyst

**Meeting Dates:** 2/5, 2/6, 2/12

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**WHAT THE MEASURE DOES:**

Creates the Task Force on Compassionate Medical Release (the Task Force). Comprised of 23 members, including two nonvoting members of the House and two nonvoting members of the Senate, one member appointed by the Chief Justice, with the remaining members appointed by the Governor. Specifies requirements for membership. Requires the Task Force to examine existing law authorizing early medical release from custody and to identify barriers that are impeding or delaying the process; analyze other states' practices; calculate related costs, in addition to other directives. Requires the Task Force to submit a report to the interim judiciary committees by December 31, 2024. Staffing to be provided by the Legislative Policy and Research Office (LPRO). Declares an emergency, effective on passage. Repeals the measure January 2, 2025.

**ISSUES DISCUSSED:**

- Challenges with current compassionate medical release process
- Changes made to the process in federal prisons
- [SB 819 \(2021\)](#)
- Governor clemency and pardon powers
- Medical leave versus medical release
- Difficulty for family and loved ones to say goodbye because of the visitation procedures and limitations
- Adults in Custody (AICs) who do not have the physical capacity to hurt anyone
- Department of Corrections (DOC) lacks the proper resources / environment for end-of-life care
- Applicants sometimes pass away while waiting for an answer on their medical release eligibility
- Twelve out of 166 people who applied in the last eight years were granted early medical release
- National ranking of Oregon's early medical release program
- Price per day to keep a person in DOC custody
- Changing the bill to a task force staffed by LPRO
- Concerns regarding the balance of interests represented by task force members

**EFFECT OF AMENDMENT:**

Replaces the measure.

**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 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, which is defined as a

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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.