

Proposed Amendment to LD 720

(offered by Sen Hickman)

Committee JUD
Date 5-15-23

LD 720 – An Act to Implement Certain Recommendations of the Commission to Examine Reestablishing Parole

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 34-A MRSA §3036-A, sub-§10 is amended to read

10. Terminally ill or incapacitated prisoner With the consent of the prisoner, the commissioner may transfer a prisoner committed to the department from a correctional facility to supervised community confinement without meeting the eligibility requirements of subsection 2, paragraphs B and C and without meeting the criteria or fulfilling the process provided for under subsection 2-A if the department's director of medical care has determined that the prisoner has a terminal or severely incapacitating medical condition or has a worsening prognosis that is likely to result in a terminal or severely incapacitating medical condition and that care outside a correctional facility is medically appropriate. Except as set out in this subsection, the prisoner must live in a hospital or other appropriate care facility, such as a nursing facility, residential care facility or a facility that is a licensed hospice program pursuant to Title 22, section 8622, approved by the commissioner. As approved by the commissioner, the prisoner may receive hospice services from an entity licensed pursuant to Title 22, chapter 1681, subchapter 1 or other care services provided by an entity approved by the commissioner and, subject to approval by the commissioner, may live at home while receiving these services. The commissioner may exempt a prisoner transferred to supervised community confinement pursuant to this subsection from any mandatory condition under subsection 3 that the commissioner determines to be inapplicable. The prisoner shall provide any information pertaining to the prisoner's medical condition or care that is requested by the commissioner at any time while the prisoner is on supervised community confinement. If the commissioner determines that the prisoner has failed to fully comply with a request or if at any time the department's director of medical care determines that the prisoner does not have a terminal or severely incapacitating medical condition or that care outside a correctional facility is not medically appropriate, the commissioner shall revoke the transfer to supervised community confinement.

SUMMARY

This amendment strikes and replaces the original bill, which is a concept draft. The amendment expands the ability of the Department of Corrections to transfer a prisoner from a correctional facility to the supervised community confinement program, when the prisoner does not otherwise meet the eligibility criteria of the supervised community confinement program, to include circumstances where the prisoner has a worsening prognosis that is likely to result in a terminal or severely incapacitating medical condition.