

ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

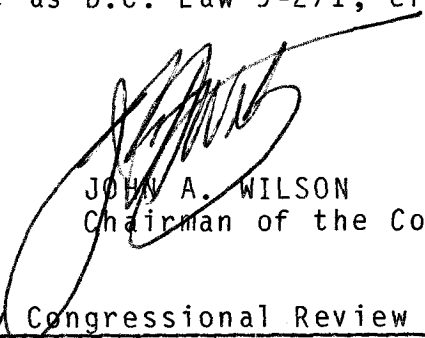
NOTICE

D.C. LAW 9-271

"Medical and Geriatric Parole Act of 1992".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 9-557 on first and second readings, December 1, 1992, and December 15, 1992, respectively. Following the signature of the Mayor on January 14, 1993, this legislation was assigned Act No. 9-400, published in the January 29, 1993, edition of the D.C. Register, (Vol. 40 page 792) and transmitted to Congress on January 26, 1993 for a 60-day review, in accordance with Section 602(c)(2) of the Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 9-271, effective May 15, 1993.



JOHN A. WILSON
Chairman of the Council

Dates Counted During the 60-day Congressional Review Period:

January	26,27
February	2,3,4,16,17,18,19,22,23,24,25,26
March	1,2,3,4,5,8,9,10,11,12,15,16,17,18,23,24,25,26,29, 30,31
April	1,2,14,15,16,19,20,21,22,23,26,27,28,29,30
May	3,4,5,6,7,10,11,12,13,14

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 14, 1993

To establish a parole program for permanently incapacitated and terminally ill inmates, and to provide early release to geriatric inmates.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Medical and Geriatric Parole Act of 1992".

Sec. 2. Definitions.

For the purposes of this act, the term:

New Section 24-261

(1) "Geriatric inmate" means a person 65 years of age or older convicted of a violation of a District of Columbia criminal law by a court in the District of Columbia, who suffers from a chronic infirmity, illness, or disease related to aging, and poses a low risk to the community.

(2) "Permanently incapacitated inmate" means a person convicted of a violation of a District of Columbia criminal law by a court in the District of Columbia and who, by reason of an existing physical or medical condition which is not terminal, is permanently and irreversibly physically incapacitated, and who does not constitute a danger to himself or to society;

(3) "Terminally ill inmate" means a person convicted of a violation of the District of Columbia criminal law by a court in the District of Columbia who has an incurable condition caused by illness or disease which would within reasonable medical judgment, produce death within 6 months and does not constitute a danger to himself or to society.

Sec. 3. No physical or medical condition set forth in section 2 which existed at the time of sentencing shall provide the basis for geriatric or medical parole under this act.

New Section 24-262

Sec. 4. Board of Parole authority.

(a) The Board of Parole ("Board") shall establish a medical and geriatric parole program to be administered by the Department of Corrections ("Department"). The authority to grant medical or geriatric parole shall rest solely with the Board. The Department shall determine for each person considered for geriatric or medical parole, whether the person is a:

New Section 24-263

- (1) Geriatric inmate;
- (2) Permanently incapacitated inmate; or

(3) Terminally ill inmate.

(b) Notwithstanding section 9 of An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions and for other purposes, approved July 15, 1932 (47 Stat. 698; D.C. Code § 24-208), inmates who have not served their minimum sentences shall be considered eligible for parole under this section. Medical and geriatric parole consideration shall be in addition to any other parole for which an inmate may be eligible.

(c) The Board shall determine the appropriate level of supervision and shall develop a comprehensive discharge plan for each inmate released under this act.

(d) In considering an inmate for medical or geriatric parole, the Board may request that additional medical evidence be produced or that additional medical examinations be conducted.

(e) The parole term of an inmate on medical parole shall be for the remainder of the inmate's sentence, without diminution of sentence for good behavior. In addition to terms and conditions prescribed by the Board, supervision of an inmate on medical or geriatric parole shall also consist of periodic medical evaluations at intervals to be determined by the Board at the time of release.

(f) The chairperson of the Board shall report annually to the Mayor, the Chairpersons of the Council of the District of Columbia, and the Council's Committee on the Judiciary, the number of applications for medical and geriatric parole, the nature of the illness, disease or condition of the applicants, the reasons for denial of applications for medical or geriatric parole, the number of persons on medical and geriatric parole who have been returned to the custody of the Department and the reasons for their return.

Sec. 5. Medical parole.

(a) The Department shall identify permanently incapacitated and terminally ill inmates for consideration for medical parole based solely on medical documentation. The Department shall forward an application and documentation in support of parole eligibility to the Board within 15 days of receipt of an application. The documentation shall include information concerning the inmate's medical history and prognosis, institutional behavior and adjustment, and criminal history. The inmate or inmate's representative may submit an application to the Board.

(b) Whenever it shall appear to the Board that because of a medical condition an inmate is permanently incapacitated or terminally ill, and the inmate's parole is not incompatible with the welfare of society, the Board may authorize the inmate's release on medical parole upon terms and conditions as the Board shall from time to time prescribe.

(c) The Board shall make a determination whether to grant medical parole within 15 days of receipt of an application and supporting documentation from the Department.

Sec. 6. Conditions for geriatric release.

(a) A geriatric inmate who is 65 years of age or older, has a chronic infirmity, illness, or disease and who poses a low risk to the community, may be eligible for parole as determined by the Board.

(b) Consideration for geriatric parole shall be initiated by the submission of an application from the Department, the inmate or the

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inmate's representative and the Department's supporting documentation to the Board.

(c) In determining eligibility for geriatric release, the Board shall take into consideration the following factors:

- (1) Age of inmate;
- (2) Severity of illness, disease, or infirmities;
- (3) Comprehensive health evaluation;
- (4) Institutional behavior;
- (5) Level of risk for violence;
- (6) Criminal history; and
- (7) Alternatives to maintaining geriatric long-term prisoners

in traditional prison settings.

(d) The Department shall submit an application for geriatric release with supporting documentation to the Board within 30 days of receipt of an application.

(e) The Board shall make a determination whether to grant geriatric parole within 30 days of receipt of the application and supporting documentation from the Department.

Sec. 7. Eligibility for public assistance.

(a) When a person has been granted either medical or geriatric parole and applies for general or public assistance, including medical assistance, the Department shall forward the application for assistance to the Department of Human Services, and advise the Board that an application for assistance has been made.

(b) The Department of Human Services shall, within 60 days of receipt of a medical or geriatric parolee's application for assistance, determine the eligibility of the person for general assistance, public assistance, Medicaid, or any other District or federal medical assistance program.

(c) A person granted medical or geriatric parole shall immediately be eligible for general public assistance for 60 days or until eligibility is determined for any program listed in subsection (b) of this section, whichever is later.

(d) Notwithstanding any other law, when a person is released on medical or geriatric parole and is in need of public assistance, including medical assistance, the Department of Human Services shall be responsible for the administrative costs of the initial and any subsequent eligibility determination and the costs of any public assistance, including medical assistance, following a person's release on medical or geriatric parole for so long as the person is eligible.

Sec. 8. Exceptions.

Persons convicted of first degree murder, or persons sentenced under the District of Columbia Mandatory-Minimum Sentences Initiative of 1981, the Law Enforcement Assistance Act of 1987, the Carjacking Prevention Emergency Amendment Act of 1992, the Carjacking Prevention Temporary Amendment Act of 1992, and the Carjacking Prevention Amendment Act of 1992, shall not be eligible for geriatric or medical parole.

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Sec. 9. Rulemaking.


The Mayor shall, pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code §1-1501 *et seq.*), issue rules to implement this act. The rules shall include provisions covering medical and geriatric parole hearings, and the conditions of medical or geriatric parole. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved.

New
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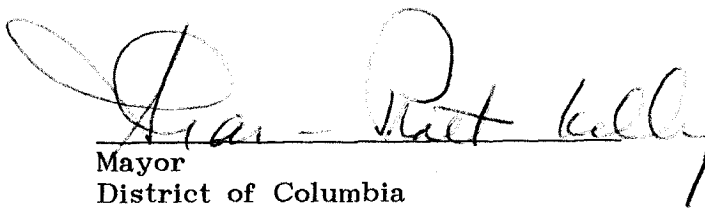
Sec. 10. Notwithstanding the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code § 3-205.1 *et seq.*), medical and geriatric parolees shall be entitled to general public assistance pending their application for eligibility.

Note,
Section
3-205.1

Sec. 11. This act shall take effect after a 60-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(2) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(2)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: January 14, 1993



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Nine

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 9-557

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 12-1-92

VOICE VOTE: Approved

Recorded vote on request

Absent: Cropp, Jarvis and Thomas

ROLL CALL VOTE: - RESULT

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. (repeated 4 times). Rows include CHMN. WILSON, BRAZIL, CRAWFORD, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, ROLARK, SMITH, JR., THOMAS, SR.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Signature of Secretary to the Council

Secretary to the Council

Date: December 29, 1992

Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 12-15-92

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: - RESULT

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. (repeated 4 times). Rows include CHMN. WILSON, BRAZIL, CRAWFORD, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, ROLARK, SMITH, JR., THOMAS, SR.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Signature of Secretary to the Council

Secretary to the Council

Date: December 29, 1992

Date

Item on Consent Calendar

ACTION & DATE:

VOICE VOTE:

Recorded vote on request

Absent:

ROLL CALL VOTE: - RESULT

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. (repeated 4 times). Rows include CHMN. WILSON, BRAZIL, CRAWFORD, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, ROLARK, SMITH, JR., THOMAS, SR.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date