

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5567

By Delegate Lewis

[Introduced February 12, 2024; Referred to the
Committee on Jails and Prisons then the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §62-12-30, relating to allowing medical or geriatric parole for certain inmates.

Be it enacted by the Legislature of West Virginia:

ARTICLE 12. PROBATION AND PAROLE.

§62-12-30. Geriatric or medical parole

1 (a) Purpose- The Legislature finds that it is both humane and fiscally responsible to allow
2 for release of an inmate whose age or medical conditions cause the inmate to no longer be a threat
3 to society and for whom continued incarceration poses a risk to their health and well-being. The
4 purpose of this section is to establish a mechanism for granting parole due to medical or age-
5 related infirmities for prisoners who are suffering from severe and debilitating medical conditions,
6 providing them with an opportunity for compassionate release.

7 (b) Eligibility- An inmate is eligible to apply for geriatric or medical parole if the following
8 conditions are met:

9 (1) The inmate is diagnosed with a terminal illness or medical condition this is deemed to
10 be severe, chronic, and irreversible or has mental and physical impairments relating to advanced
11 age;

12 (2) The inmate's condition significantly impairs the inmate's ability to carry out activities of
13 daily living within the correctional facility;

14 (3) The treatments or care needed by the inmate are not available to the inmate within the
15 correctional system; and

16 (4) The inmate meets all other relevant factors the Parole Board has established by policy
17 of the Board.

18 (c) Medical evaluation- Any inmate that meeting the requirements of subsection (b) may
19 petition the Parole Board for geriatric or medical parole. If the Parole Board believes there is
20 reasonable grounds to think the inmate may meet the requirements for parole and the inmate has
21 fulfilled any other requirements established by the Board, the Board shall order medical

22 evaluations of the inmate. The inmate's health status is to be evaluated by a licensed physician at
23 the correctional facility. The Parole Board will assess the following when deciding the inmate's
24 eligibility:

25 (1) The medical history and physician evaluations;

26 (2) An assessment of risk to public safety;

27 (3) The sentence the inmate is incarcerated for; and

28 (4) Whether the Department of Corrections has existing services adequate to provide for
29 the inmate's condition.

30 (d) Parole Board determination- Upon a finding by the Parole Board that the inmate meets
31 all the following criteria, it may grant parole:

32 (1) That the Inmate has a medical condition that requires specialized medical treatments or
33 services not provided by the Department of Corrections, or the prisoner has physical disabilities or
34 advanced age that prevent the prisoner from functioning within the prison system;

35 (2) That if released the prisoner is of no risk to public safety;

36 (3) That conditions placed upon the release of the inmate are sufficient that any change in
37 the status of the inmate deemed to create a risk to public safety, would cause the prisoner to be
38 immediately returned to custody;

39 (4) That the sentence the inmate is servicing is not a life sentence; and

40 (5) That upon parole, the inmate will have access to appropriate care necessary to treat the
41 condition for which the inmate is being paroled.

42 (e) Medical Clemency- Upon a finding of the Board that the inmate is eligible, the Board
43 may facilitate and condition the inmate's parole, and require appropriate supervision and
44 monitoring to ensure compliance with the conditions set forth by the Board.

NOTE: The purpose of this bill is to create a mechanism for prisoners suffering severe illnesses or physical or mental limitations due to advanced age to receive geriatric or medical parole.

Strike-throughs indicate language that would be stricken from a heading or the present law

and underscoring indicates new language that would be added.