



**Bill Text for SB1213 (SD1794) of 2011-2012 Session
An act to provide for medical release of inmates.**

Prime sponsor: **Senator Patricia D. Jehlen (D)**

SECTION 1. Chapter 127 of the General laws is hereby amended by inserting after section 119 the following section:-

Section 119A. (a) Whenever the physician of a state correctional facility certifies that a prisoner held therein is suffering from an irreversible or terminal medical condition, disease or syndrome, whether due to advanced age or otherwise, and is so debilitated or physically incapacitated that the prisoner is incapable of presenting a threat to himself or others to a reasonable degree of medical certainty, the commissioner may grant the prisoner a medical release upon the commissioner's determination that if the prisoner is released, he will live and remain at liberty without violating the law and his release will not be incompatible with the welfare of society. The commissioner shall facilitate appropriate community placement for prisoners granted a medical release.

(b) The authority to grant a medical release rests solely within the discretion of the commissioner. No prisoner has the right to medical release or to a medical evaluation to determine eligibility for such release. The commissioner shall adopt policies and procedures necessary to implement the medical release of prisoners.

(c) Except as otherwise provided in this section, a person granted a medical release shall be subject to the laws governing parole as if such person were a parolee. The parole board shall impose terms and conditions for such release within 30 days before the commencement of the release. The parole board may revise, alter or amend such terms and conditions at any time.

(d) A person granted medical release under this section shall be under the jurisdiction, supervision and control of the parole board in the same manner as a person under parole supervision. The parole board may establish conditions of release, on an individual basis, to ensure public safety. A person granted medical release who violates a condition of parole supervision shall be subject to section 149 of chapter 127 of the General Laws.

(e) Notwithstanding any general law or special law to the contrary, no physician or employer of a physician providing a medical diagnosis pursuant to this section shall be held liable, either as an institution or personally, for issuance of a medical diagnosis under this section, if the diagnosis was made in good faith. All such parties, if they have operated in good faith, shall be totally immune from civil or criminal liability as a result of fulfilling this section.

* PLEASE CONTACT YOUR MASSACHUSETTS STATE SENATOR
AND STRONGLY URGE THEM TO SUPPORT S.B. 1213.
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WE NEED YOUR HELP!