

**SENATE . . . . . No. 1139**

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 1139) of Patricia D. Jehlen, Ellen Story, Sonia Chang-Diaz, Benjamin Swan and other members of the General Court for legislation to reduce health care costs through extraordinary medical placement. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act reducing health care costs through extraordinary medical placement.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 126 of the General Laws is hereby amended by inserting after  
2 section 39 the following section:-

3 Section 40. (a) The court may grant a medical release to a prisoner held on a mandatory  
4 sentence in a jail or house of correction upon the court's determination that the prisoner has an  
5 irreversible condition, disease or syndrome that is terminal, debilitating, or incapacitating and  
6 that the prisoner's release will not be incompatible with public safety.

7 (b) The authority to grant a medical release rests solely within the discretion of the court.  
8 No prisoner has the right to medical release. Consideration of a prisoner for medical release may  
9 be initiated by the sheriff, the superintendent of a house of correction, the superintendent of the  
10 jail, special sheriff, a licensed physician, the prisoner, a member of the prisoner's family, or the  
11 prisoner's attorney. In determining whether to grant a medical release, the court shall obtain the  
12 review of a licensed physician.

13 (c) The sheriff shall facilitate appropriate community placement for prisoners granted a  
14 medical release.

15 (d) A person granted medical release under this section shall be under the jurisdiction,  
16 supervision and control of the court. The department shall impose terms and conditions for such  
17 release. The department may revise, alter or amend such terms and conditions at any time.

18 SECTION 2. Chapter 127 of the General Laws is hereby amended by inserting after  
19 section 119 the following section:-

20 Section 119A. (a) The commissioner may grant a medical release to a prisoner held in a  
21 state correctional facility upon the commissioner's determination that the prisoner has an  
22 irreversible condition, disease or syndrome that is terminal, debilitating, or incapacitating and  
23 that the prisoner's release will not be incompatible with public safety.

24 (b) The authority to grant a medical release rests solely within the discretion of the  
25 commissioner. No prisoner has the right to medical release. Consideration of a prisoner for  
26 medical release may be initiated by the commissioner, the superintendent of a correctional  
27 facility, a licensed physician, the prisoner, a member of the prisoner's family, or the prisoner's  
28 attorney. In determining whether to grant a medical release, the commissioner shall obtain the  
29 review of a licensed physician. The commissioner shall adopt policies and procedures necessary  
30 to implement the medical release of prisoners.

31 (c) The commissioner shall facilitate appropriate community placement for prisoners  
32 granted a medical release.

33 (d) A person granted medical release under this section shall be under the jurisdiction,  
34 supervision and control of the department of correction. The department shall impose terms and  
35 conditions for such release. The department may revise, alter or amend such terms and  
36 conditions at any time.