

Testimony before Senate Institutions Committee
H. 150 (current session)
and its predecessor H. 623(2015-2016 session)
Representative Mollie S. Burke
15 February, 2018

Madame Chair and Members of the Committee,

You have before you H. 150, a bill relating to parole eligibility. This bill changes eligibility for medical parole for an inmate who is deemed to have a “terminal or debilitating condition” to an inmate with a “terminal or serious medical condition.”

The inmate must authorize release of his or her personal health information. The bill also indicates that “serious medical condition” does not mean a condition caused by non-compliance with a medical treatment plan.

The bill also makes the same changes for medical furlough.

However H. 150 as passed represented major changes to the original bill. This original bill related to the compassionate release of certain inmates diagnosed with a terminal disease, and allowing consideration of parole eligibility for older inmates and inmates who have served their minimum sentence.

A similar version of the original H. 150, H. 623, passed the House in 2016 and was sent to this committee. It included the provision of parole eligibility for older inmates. A companion bill to H. 623, S. 207, was introduced into the Senate sponsored by Senator Balint in the last session but was not taken up.

H. 623 as passed the House in 2016 did two main things:

1. It offered eligibility for “parole consideration” for an inmate between over the age of 55 and 64, who has served 10 years but not their minimum sentence.
2. It offered this same eligibility for an inmate 65 and over who has served 5 years but not the minimum sentence
3. In both cases, all programming requirements need to be met in order to qualify for eligibility.

4. The bill also changed the same criterion for parole eligibility for those with a terminal or debilitating condition to terminal

If you take up this bill, I would like to ask you to consider the original version of H.150 and the House passed H. 623 for the following reasons:

1. H. 150 as passed by the House only changes the word “debilitating” to “serious medical” as one criterion for medical parole or medical furlough. The word change merely clarifies the criterion.
2. The original intent of the bill was to offer “compassionate release” to inmates who have reached a certain age and have met all programming requirements, though not their minimum sentences. What is the purpose of keeping older inmates who pose no risk?
3. As is our population, our prison population is aging. Incarcerating aging prisoners costs more.
4. I believe it should be up to the Parole Board to determine the level of risk. Parole can be denied if it’s not appropriate.

Thank you for your consideration.