



JUSTICE AND PUBLIC SAFETY CABINET

Matthew G. Bevin
Governor

Department of Corrections

P.O. Box 2400
Frankfort, Kentucky 40602
Phone (502) 564-4726
Fax (502) 564-5037
www.kentucky.gov

Jonathan R. Grate
Deputy Secretary

John C. Tilley
Secretary

James L. Erwin
Commissioner

MEMORANDUM

To: Interim Joint Committee on Appropriations & Revenue

**From: James Erwin, Commissioner
Kentucky Department of Corrections**

Date: December 14, 2018

RE: 2018 RS HB 200 Parole for Infirm Inmates Pilot Program

HB 200 of the 2018 Regular Session of the Kentucky General Assembly authorizes Parole for Infirm Inmates. Under the pilot, the Parole Board shall grant parole when an inmate meets the criteria for Parole for Infirm Inmates as established in the legislation.

To be eligible, the inmate must be physically or mentally debilitated, incapacitated, or infirm due to advanced age, chronic illness, disease, or any other qualifying criteria that constitutes an infirm prisoner. The inmate must be substantially dependent on others for the activities of daily living. The inmate would be a low risk of being a threat to the public if released.

The inmate must not be convicted of a sex crime or capital offense. If the inmate has not yet reached his/her parole eligibility date, he or she must have served at least one-half of his or her sentence.

Under Parole for Infirm Inmates, the offender shall be paroled to a licensed long-term care facility within the Commonwealth.

Thus far in 2018, there have been zero (0) inmates released to Parole for Infirm Inmates.

The challenge remains locating long term care facilities who are able and willing to provide placement for convicted felons.

This pilot is in addition to KRS 439.3405 which provides the Parole Board with the authority to release inmates to Medical Parole who suffer from terminal medical conditions likely to cause death within one (1) year or who are substantially dependent on others for the activities of daily living due to a medical condition. Examples include severe chronic lung disease, end-stage heart disease, severe neuro-muscular disease such as multiple sclerosis; severely limited mobility as a result of stroke, disease, or trauma; or dependent on external life support systems.