

MEMORANDUM

To: Interim Joint Committee on Appropriations & Revenue

From: Secretary Kerry Harvey
Kentucky Justice & Public Safety Cabinet

Date: January 26, 2022

RE: 2021 RS HB 192 Parole for Infirm Inmates Pilot Program

HB 192 of the 2021 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 considered a low risk in terms of 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 individual shall be paroled to a licensed long-term care facility within the Commonwealth.

Thus far in 2021, there have been zero (0) inmates released under 21 RS HB 192 Parole for Infirm Inmates.

The challenge remains locating long term care facilities who are able and willing to provide placement for convicted felons. Extensive efforts have been made to try to connect infirm inmates to long-term facilities as mentioned in 21 RS HB 192.

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 due to a stroke, disease, or trauma; or dependent on external life support systems.