



Oregon Senate Bill 835

Senate Bill 835 would improve Oregon’s medical release system by expanding eligibility to all adults in prison and requiring that release decisions are made with substantial input from medical professionals and in a timely manner. **FAMM supports this bill**

Primary Sponsor: Sen. Michael Dembrow and Rep. Lisa Reynolds

Full text: <https://olis.oregonlegislature.gov/liz/2021R1/Downloads/ProposedAmendment/20391>

Status: This bill is not a law yet. To become law, it must be passed by the Oregon Senate and House of Representatives and be signed into law by the Governor. We do not know if or when this bill may become law – many bills are introduced each year, and very few become law.

Detailed Summary

1. Expands eligibility for medical release. Under SB 835

- a. All adults in prison can apply for medical release regardless of their offense or sentence.
- b. An adult in prison is eligible for medical release if they meet one or more of the following criteria:
 - i. The applicant has a terminal illness with a prognosis of 12 months or less to live;
 - ii. The applicant is unable to independently complete the activities of eating, toileting, grooming, dressing, bathing or physical transfers or is unable to independently move from place to place, even with the use of a mobility device;
 - iii. The applicant has a debilitating or progressively debilitating medical condition, including but not limited to an injury, illness, disease, physiologic or psychological condition or disorder that: poses an immediate risk to the person’s health or life, requires complex medical intervention or intensive, high needs or specialized care, or is otherwise described in the rules of the Medical Release Advisory Committee (see next section); **OR**
 - iv. The applicant has an underlying condition that places the applicant at increased risk of illness, medical complications or death if the applicant is exposed to disease, and a state of emergency has been declared under ORS 401.165, a public health emergency has been declared under ORS 433.441, or a pandemic is occurring.



2. Creates the Medical Release Advisory Committee

- a. SB 835 creates a Medical Release Advisory board consisting of 7 to 13 members appointed by the Governor. The committee members shall consist of licensed physicians, physician assistants, nurse practitioners and nurses. At least one committee member must be a licensed and board-certified physician, and at least four committee members must be involved in direct patient care.
- b. The Medical Release Advisory Committee reviews all medical release applicants to determine if they are medically eligible for release through the Board of Parole and Probation or courts.¹
- c. If the Medical Release Advisory Committee determines an individual is medically eligible for release, there is a presumption that the individual should be released unless the Board of the Parole and Probation (or district attorney for cases going through the courts) finds by clear and convincing evidence that the individual “poses a danger to the safety of another person or the public and the danger outweighs any compassionate reasons for the release.”

3. Streamlines the Application Process

- a. Under SB 835, the Medical Release Advisory Committee has to make a decision within 45 days of receiving a completed application. If the application is expedited, the Committee has 14 days. Decisions may be made after these timelines for good cause.
- b. If the Medical Release Advisory Committee recommends release, the Board of Parole and Probation must hold a hearing within 45 days of the recommendation. If the application is going through the courts, the court must hold a hearing within 30 days of the motion.
- c. The Medical Release Advisory Committee is required to design an application for medical release that is simple, easy to understand, and available in multiple languages.
- d. The Department of Corrections is required to explain medical release options on the department website and in any handbook provided to adults in custody.

¹ As part of the release process, an attorney reviews all applicants to determine if their sentence allows for release through the Board of Parole and Probation. If the individual is medically eligible for release but cannot go through the BOPP – the bill establishes a process through which an individual can petition the sentencing court for release. Indigent applicants have access to appointed counsel. The majority of applicants will go through BOPP.