

ACLU-PA Position: Support

Bill summary

[SB 835](#) (PN 1029) would amend [42 Pa.C.S. § 9777](#) (Transfer of inmates in need of medical treatment) and would add a new section to [Title 61 Chapter 61](#) (Pennsylvania Board of Probation and Parole) to reform medical parole and establish geriatric parole in Pennsylvania.

SB 835 would create a mechanism for certain ill and/or aging people incarcerated in Pennsylvania state correctional institutions to petition the PA Parole Board for release. The bill would also require the PA Department of Corrections to assist incarcerated people with petitions for release, provide relevant records, notify families of their incarcerated loved one's terminal medical diagnosis, facilitate quick visitation after a terminal diagnosis, and track statistics about medical and geriatric parole and other items for the legislature to review yearly.

What the bill proposes

SB 835 would extend parole eligibility to ill and/or aging incarcerated people in Pennsylvania state prisons. If passed, it would allow incarcerated people, attorneys, families, or the Department of Corrections to petition the Parole Board for release due to:

- **Geriatric criteria:** The geriatric parole provision would apply to incarcerated people who are age 55 or older, have served half of their minimum sentence or 25 years (whichever is less), and who the Parole Board finds are not a danger to the public.
- **Medical necessity:** The medical parole provision would apply to incarcerated people who have a qualifying serious medical issue and a weakened ability to function in prison because of it, specifically those who have a substantially diminished ability to function in prison due to a terminal illness, chronic and debilitating condition, serious functional or cognitive impairment, or physical or mental deterioration due to aging. (No time served minimum).

The Parole Board is not required to grant parole under either geriatric or medical parole. However, SB 835 does require that the PA Department of Corrections:

- Notify families and attorneys of terminal diagnoses quickly and allow special visitation; and
- Track relevant statistics and report back to the legislature on an annual basis.