

**House Study Bill 314 - Introduced**

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON HEALTH  
AND HUMAN SERVICES BILL BY  
CHAIRPERSON NORDMAN)

**A BILL FOR**

1 An Act establishing a medical release program for certain persons  
2 committed to the custody of the department of corrections.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **906.20 Medical release.**

2 1. For purposes of this section:

3 a. "Board" means the board of parole.

4 b. "Department" means the department of corrections.

5 c. "Incapacitated" means a person who is physically or  
6 mentally impaired to such a degree that the person is unable to  
7 perform activities of daily living or requires skilled nursing,  
8 hospice, or home health care.

9 d. "Medical release" means the board-authorized release from  
10 a facility under the control of the department of corrections  
11 of a person committed to the custody of the director of the  
12 department who has been diagnosed with a terminal illness, a  
13 serious medical condition, or who is physically or mentally  
14 incapacitated.

15 e. "Serious medical condition" means a disease with an  
16 indeterminate prognosis but that is considered end-stage, or the  
17 person is incapacitated.

18 f. "Terminal illness" means a disease or condition with a  
19 prognosis of death within one year.

20 2. Notwithstanding any other provision of law to the  
21 contrary, a person committed to the custody of the director of  
22 the department may be eligible for medical release if either of  
23 the following apply:

24 a. A licensed medical professional diagnoses the person with  
25 a terminal illness with a prognosis of death within one year, or  
26 a serious medical condition.

27 b. A licensed medical professional determines that the person  
28 is physically or mentally incapacitated.

29 3. The department shall perform an updated risk assessment  
30 on a person found to meet the requirements of subsection 2 that  
31 evaluates the person's risk of reoffending.

32 4. The department may identify a person eligible for medical  
33 release and file a petition requesting a medical review by the  
34 board.

35 5. A petition filed under subsection 4 shall include all of

1 the following:

2     a. Medical documentation of a diagnosis of a terminal  
3 illness, a serious medical condition, or physical or mental  
4 incapacitation.

5     b. A statement from a licensed medical professional regarding  
6 the person's diagnosis, prognosis, and required level of care.

7     c. Any relevant information concerning the person's behavior  
8 and risk assessment.

9     6. Upon receipt of a petition filed under subsection 4, the  
10 board shall do the following:

11     a. Review the petition and all submitted documentation.

12     b. Provide notice of the petition for medical review to all  
13 victims of the person. The notice shall inform a victim, as  
14 defined in section 915.10, of the right to submit a victim impact  
15 statement to the board within fourteen days of receipt of the  
16 notice.

17     7. a. All persons identified by the department for potential  
18 medical release shall be interviewed by the board.

19     b. If the person's condition is such that the person is  
20 unable to meaningfully participate in an interview, the person's  
21 case manager or other representative of the department shall be  
22 present and shall answer board questions related to the person's  
23 medical condition.

24     8. The board shall make a decision within forty-five days of  
25 receiving the petition. The decision shall be based on all of  
26 the following:

27     a. The medical condition and prognosis of the person.

28     b. The nature of the offense committed by the person.

29     c. The risk assessment.

30     d. Any other factors the board considers when making a parole  
31 release decision.

32     9. All hearings on petitions for medical release are open to  
33 the public.

34     10. If the petition is approved by the board, the person  
35 shall be released to a suitable care facility or home setting,

1 provided that appropriate supervision and support are available.

2 11. A released person shall be supervised under a release  
3 plan that includes the following:

4 a. Medical care and support services.

5 b. Regular check-ins with a designated supervisory officer.

6 c. Any other conditions deemed necessary for the well-being  
7 of the person and to ensure public safety.

8 12. a. The board shall maintain the records of all petitions  
9 and decisions regarding medical release.

10 b. The board shall submit an annual report by December 15,  
11 2026, and each year thereafter, to the general assembly detailing  
12 the number of petitions received in the previous twelve-month  
13 period, the number of persons released, and the outcomes and  
14 status of the released persons.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with  
17 the explanation's substance by the members of the general assembly.

18 This bill establishes a medical release program for certain  
19 persons committed to the custody of the department of corrections  
20 (department).

21 The bill provides that a person committed to the custody  
22 of the director of the department may be eligible for medical  
23 release if a licensed medical professional diagnoses the person  
24 with a terminal illness with a prognosis of death within one  
25 year or with a serious medical condition, or determines that the  
26 person is physically or mentally incapacitated.

27 The bill provides that the department may identify a person  
28 eligible for medical release and file a petition requesting a  
29 medical review by the board of parole (board). The department  
30 shall perform an updated risk assessment on a person found to  
31 meet the requirements for a medical release that evaluates the  
32 person's risk of reoffending.

33 A petition for medical release shall include all of the  
34 following: medical documentation of a diagnosis of a terminal  
35 illness, a serious medical condition, or physical or mental

1 incapacitation; a statement from a licensed medical professional  
2 regarding the person's diagnosis, prognosis, and required level  
3 of care; and any relevant information concerning the person's  
4 behavior and risk assessment.

5 Upon receipt of a petition, the board shall review the  
6 petition and all submitted documentation, and provide notice of  
7 the petition for medical review to all victims of the person.  
8 The notice shall inform a victim of the right to submit a victim  
9 impact statement to the board within 14 days of receipt of the  
10 notice.

11 The bill provides that all persons identified by the  
12 department for potential medical release shall be interviewed by  
13 the board. If the person's condition is such that the person is  
14 unable to meaningfully participate in an interview, the person's  
15 case manager or other representative of the department shall be  
16 present.

17 Within 45 days of receiving the petition, the board shall make  
18 a decision based on all of the following: the medical condition  
19 and prognosis of the person; the nature of the offense committed  
20 by the person; the risk assessment; and any other factors the  
21 board considers when making a parole release decision. All  
22 hearings on petitions for medical release are open to the public.

23 If the petition is approved by the board, the person shall be  
24 released to a suitable care facility or home setting. A released  
25 person must be supervised under a release plan that includes the  
26 following: medical care and support services; regular check-ins  
27 with a designated supervisory officer; and any other conditions  
28 necessary for the well-being of the person and to ensure public  
29 safety.

30 The bill provides that the board shall maintain the records of  
31 all petitions and decisions regarding medical release, and must  
32 submit an annual report to the general assembly detailing the  
33 number of petitions received, the number of persons released, and  
34 the outcomes and status of the released persons.