

House Bill 478

By: Representatives Powell of the 171st, Neal of the 2nd, Greene of the 151st, and Golick of the 40th

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 42-9-43 of the Official Code of Georgia Annotated, relating to information to be considered by the State Board of Pardons and Paroles generally, so as to define terms applicable to issuing medical reprieves to entirely incapacitated persons suffering a progressively debilitating terminal illness; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 42-9-43 of the Official Code of Georgia Annotated, relating to information to be considered by the State Board of Pardons and Paroles generally, is amended by redesignating subsections (b) through (e) as subsections (c) through (f), respectively, and by adding a new subsection (b) to read as follows:

"(b)(1) As used in this subsection, the term:

(A) 'Entirely incapacitated' means an offender who:

(i) Requires assistance in order to perform two or more necessary daily life functions or who is completely immobile; and

(ii) Has such limited physical or mental ability, strength, or capacity that he or she poses an extremely low risk of physical threat to others or to the community.

(B) 'Necessary daily life function' means eating, breathing, toileting, walking, or bathing.

(2) The board may issue a medical reprieve to an entirely incapacitated person in accordance with Article IV, Section II, Paragraph II of the Constitution."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.