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TIMESDAILY.com

Medical Furlough Act debated

Allowing parole for terminally ill inmates provokes victims' ire

*By Dana Beyerle,
Montgomery Bureau*

Published: Sunday, June 8, 2008 at 3:30 a.m.

Mary Anne Rippey, of Killen, doesn't like a new bill that allows the prison commissioner to parole terminally ill inmates, even convicted murderers.

Rippey, whose brother was killed in 1999, said the bill that passed in the special legislative session allows the release of certain incapacitated or dying inmates, even if they're serving life sentences for murder.

Victims must be notified before an inmate can be released under the medical furlough plan, but there's no requirement to take victim objections into account. Inmates can be released to a family member, to mental hospitals and even to nursing homes.

"When you look at the bill, the biggest thing is the prison commissioner has the exclusive power in decision-making to release people," Rippey said. "We have a parole board right now; why go around it?"

The parole board notifies victims of an upcoming hearing so victims can decide whether to protest a release.

The Medical Furlough Act requires victim notification of the pending release of certain inmates who must be at least 55 years old and seriously or terminally ill. No one convicted of capital murder or a sex-related crime can be

considered.

Only inmates who are no danger to themselves or others will be considered, officials said, and inmates can be returned to prison if their conditions improve or if they violate parole.

Stymied by not being able to get funding from the Legislature, prison Commissioner Richard Allen said he was forced to shift costs. He said there are about 125 inmates under consideration. The annual medical care for these inmates averages \$65,000, he said.

Allen said the medical furlough option will save taxpayers about \$8 million by shifting

medical costs to Medicaid or Medicare that are mostly federally funded. Because taxpayers spend about \$90 million a year for inmate medical care, \$8 million is significant, he said.

"The main emphasis is to eliminate the cost," Allen said. "The taxpayers of Alabama are getting a good deal out of this."

The Legislative Fiscal Office said medical releases could increase costs of other state agencies including health, mental health, pardons and paroles, and hospice organizations.

Although it will become law if Gov. Bob Riley signs it, Attorney General Troy King doesn't like the bill.

"I find it disconcerting any time we take an unelected official and give him the authority to undo work of judges and juries and the justice system, and that is what this bill does," King said. "This is about shifting inmates from behind bars to out of behind bars."

Allen is King's former deputy attorney general.

Riley asked the Legislature to pass the bill in the just-ended special session he called to pass the education budget. "Gov. Riley supports the proposal and he will sign the (furlough) bill," said spokesman Todd Stacy.

Victim advocates say they were blind-sided by the bill in the five-day special session and didn't have time to react.

"One of the points I am making is the governor said no bill would be included in his call that didn't relate to the education budget," said Miriam Shehane, executive director of Victims of Crime and Leniency. "Tell me how the release of prisoners relates to the education budget?"

Riphey has been a member of VOCAL since her brother was killed. One of his assailants was convicted and sentenced to life in prison without the possibility of parole.

Riphey said the other was convicted twice of capital murder but at a third trial was convicted of murder, a parole-eligible crime. Although it will be decades before he can be considered for release, if he gets sick, he can be released.

"We went through two trials and 24 people said they are guilty," Riphey said. "Nowhere did it say if you get sick we're going to let you out."

Sponsoring the Alabama Medical Furlough Act was Sen. Linda Coleman, D-Birmingham. She said the legislation is a financial tool for an underfunded prison system. It also has an element of compassion in allowing dying inmates and their families to meet death at home with dignity, she said.

Coleman said the bill was recommended by the Sentencing Commission to address prison overcrowding.

"This was a way of making an impact but making sure the furloughed were not a threat

to society or themselves," Coleman said. "I had a lot of calls from the victims' rights groups and also a lot of calls from family members who were concerned about their loved ones who didn't want them to die in prison."

Dana Beyerle can be reached at (334) 264-6605 or dtb12345@aol.com.
