

Vermont Justice Reinvestment II Working Group
Parole for Older Adults – Policy Scan: August 2021



State	Statute	Minimum Age	Statutory Language
Alabama	§ 15-22-43 § 15-22-42	60	<p>In Alabama, for each person considered for medical parole, the board shall determine whether the person is a geriatric person, permanently incapacitated person, or terminally ill person for purposes of placing the person on a special medical parole docket to be considered for parole by the board.</p> <p>Geriatric means the person is age 60 or older and meets all the following criteria:</p> <ul style="list-style-type: none"> (1) Has a chronic life-threatening infirmity, life-threatening illness, or chronic debilitating disease related to aging; (2) Requires assistance with a necessary daily life function (eating, breathing, toileting, walking, or bathing); (3) Poses a low risk to the community; (4) Is not a danger to himself or herself or society.
Alaska	§ 33.16.090	60	<p>In Alaska, the Parole Board can grant Discretionary Parole based on age for persons who:</p> <ul style="list-style-type: none"> (1) Are age 60 or older; (2) Have served at least 10 years of their sentence.
California	§§ 3550, 3055	60	<p>In California, a person shall be considered for parole under the Elderly Parole Program if they meet both of the following conditions:</p>

			<p>(1) The person is 60 years of age or older;</p> <p>(2) The person has served a minimum of 25 years of continued incarceration on his or her current sentence, serving either a determinate or indeterminate sentence.</p>
Georgia	Ga. Const, Art. IV, Sec. II Paragraph II, (e), § 42-9-42.1	62	<p>The Georgia Constitution grants the Parole Board the authority to parole any person who is 62 years of age or older, even if a statute explicitly prohibits release.</p> <p>However, these persons have no right to parole consideration, and the Board has never exercised this Constitutional power.</p>
Louisiana	RS 15:574.4	60	<p>In Louisiana, parole eligibility for someone who has served at least ten years of the term or terms of imprisonment in actual custody shall be eligible for parole consideration upon reaching the age of 60 years if the conditions are met.</p> <p>(1) The person has not been convicted of a crime of violence as defined or a sex offense or convicted of an offense;</p> <p>(2) The person has not committed any disciplinary offenses in twelve consecutive months prior to the parole eligibility date;</p> <p>(3) The person has completed the mandatory minimum of one hundred hours of prerelease programming if programming is available at the facility;</p> <p>(4) The person has completed substance abuse treatment as applicable;</p> <p>(5) The person has obtained a GED credential, unless the person has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED credential due to a learning disability;</p>

			(6) The person has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of the Department of Public Safety and Corrections.
Maryland	§ 14- 101(g)	60	<p>In Maryland, a person may petition for and be granted parole if the person:</p> <ul style="list-style-type: none"> (1) Is at least 60 years old; (2) Has served at least 15 years of the sentence imposed under this section.
Mississippi	§§ 47-7-3	60	<p>In Mississippi, geriatric parole is available for the following:</p> <p>Nonviolent and nonhabitual persons who have reached:</p> <ul style="list-style-type: none"> (1) The age of sixty (60) or older; (2) Has served no less than ten (10) years, and at least twenty-five percent (25%) of the sentence or sentences imposed by the trial court shall be eligible for parole. <p>Nonviolent habitual persons who have reached:</p> <ul style="list-style-type: none"> (1) The age of sixty-five (65) or older; (2) Have served no less than fifteen (15) years, and at least twenty-five percent (25%) of the sentence or sentences imposed by the trial court shall be eligible for parole. <p>Violent nonhabitual persons who have reached:</p> <ul style="list-style-type: none"> (1) the age of seventy (70) or older; (2) Have served no less than fifteen (15) years, and at least twenty-five percent (25%) of the sentence or sentences imposed by the trial court shall be eligible for parole.

Missouri	§ 217.250	-	<p>In Missouri, geriatric parole is available to any person with terminal disease or advanced age where confinement will endanger or shorten life.</p> <p>Whenever any person is afflicted with a disease which is terminal or is advanced in age to the extent that the person is in need of long-term nursing home care, or when confinement will necessarily greatly endanger or shorten the person's life, the correctional center's physician shall certify such facts to the chief medical administrator, stating the nature of the disease.</p>
New Mexico	§ 31-21-25.1	65	<p>New Mexico has defined geriatric as a person who:</p> <ul style="list-style-type: none"> (1) Is under sentence to or confined in a prison or other correctional institution under the control of the corrections department; (2) Is sixty-five (65) years of age or older; (3) Suffers from a chronic infirmity, illness or disease related to aging; (4) Does not constitute a danger to the person's own self or to society.
North Carolina	§ 15A-1369	65	<p>In North Carolina, a person is eligible for parole who is 65 years of age or older and suffers from chronic infirmity, illness, or disease related to aging that has progressed such that the person is incapacitated to the extent that they do not pose a public safety risk.</p>
Oklahoma	57 Okl. St. §§ 332.16, 332.18, 332.21	60	<p>In Oklahoma, the Parole Board is empowered to parole a person who is:</p> <ul style="list-style-type: none"> (1) Is sixty (60) years of age or older; (2) Has served, in actual custody, the shorter of ten (10) years of the term or terms of imprisonment, or one-third (1/3) of the total term or terms of imprisonment;

			(3) Poses minimal public safety risks warranting continued imprisonment
Oregon	ORS 144.126	-	<p>In Oregon, the release date may be advanced if the board determines that continued incarceration is cruel and inhumane and that advancing the release date of the person is not incompatible with the best interests of the person and society and that the person is:</p> <ul style="list-style-type: none"> (1) Suffering from a severe medical condition including terminal illness; (2) Is elderly and is permanently incapacitated in such a manner that the person is unable to move from place to place without the assistance of another person.
South Dakota	24-13, 24-15, or 24-15A	65 or 70	<p>In South Dakota, the Board of Pardons and Parole shall consider a person for compassionate parole if they are:</p> <ul style="list-style-type: none"> (1) At least sixty-five years of age; (2) Have served at least ten consecutive years of their sentence incarcerated, whose current sentences are for convictions of a Class 3 felony or below and whose medical care needs are at least double the average annual medical cost of the person population; (3) Are at least seventy years of age and have served at least thirty consecutive years of the person's sentence incarceration; (4) Are not serving a capital punishment sentence; are eligible for compassionate parole consideration.
Utah	671-314-1	-	In Utah, the Board shall consider a compassionate release if the following exceptional circumstances exist:

			<p>(1) Upon the request of the Department of Corrections (Department), if a person's public safety and recidivism risk is significantly reduced due to the effects or symptoms of advancing age, medical infirmity, disease, or disability, or mental health disease or disability;</p> <p>(2) If the compassionate release request includes a report from the Department detailing the specific effects, conditions, or symptoms to be considered; the treatments available; and, when possible, the prognosis of such effects, conditions, or symptoms.</p>
Virginia	53.1-40.01.	60 or 65	<p>In Virginia, any person serving a sentence imposed upon a conviction for a felony offense, other than a Class 1 felony may be considered for parole if:</p> <p>(1) They have reached the age of sixty-five or older and who has served at least five years of the sentence imposed;</p> <p>(2) They have reached the age of sixty or older and who has served at least ten years of the sentence imposed may petition the Parole Board for conditional release.</p>
Washington	9.94A.728, 9.94A.729	-	<p>In Washington, if the person poses a low risk to the community because they are currently physically incapacitated due to age or the medical condition or is expected to be so at the time of release.</p>
Wisconsin	§ 302.113	60 or 65	<p>In Wisconsin, a person who is serving a bifurcated sentence for a crime other than a Class B felony may seek modification of the bifurcated sentence if they meet one of the following criteria:</p> <p>(1) The person is 65 years of age or older and has served at least 5 years of the term of confinement in prison portion of the bifurcated sentence.</p>

			<p>(2) The person is 60 years of age or older and has served at least 10 years of the term of confinement in prison portion of the bifurcated sentence.</p> <p>(3) The person has an extraordinary health condition.</p>
Wyoming	§ 7-13-424.	-	In Wyoming, if the person is incapacitated by age to the extent that deteriorating physical or mental health substantially diminishes the ability of the person to provide self-care within the environment of a correctional facility