

**77-16a-203 Review of offenders with a mental illness committed to department --
Recommendations for transfer to Department of Corrections.**

- (1)
 - (a) The executive director shall designate a review team of at least three qualified staff members, including at least one licensed psychiatrist, to evaluate the mental condition of each offender with a mental illness committed to it in accordance with Section 77-16a-202, at least once every six months.
 - (b) If the offender has an intellectual disability, the review team shall include at least one individual who is a designated intellectual disability professional, as defined in Section 62A-5-101.
- (2) At the conclusion of its evaluation, the review team described in Subsection (1) shall make a report to the executive director:
 - (a) regarding the offender's:
 - (i) current mental condition;
 - (ii) progress since commitment; and
 - (iii) prognosis; and
 - (b) that includes a recommendation regarding whether the offender with a mental illness should be:
 - (i) transferred to UDC; or
 - (ii) remain in the custody of the department.
- (3)
 - (a) The executive director shall notify the UDC medical administrator, and the board's mental health adviser that an offender with a mental illness is eligible for transfer to UDC if the review team finds that the offender:
 - (i) no longer has a mental illness; or
 - (ii) has a mental illness and may continue to be a danger to self or others, but can be controlled if adequate care, medication, and treatment are provided by UDC; and
 - (iii) the offender's condition has been stabilized to the point that commitment to the department and admission to the Utah State Hospital are no longer necessary to ensure adequate mental health treatment.
 - (b) The administrator of the mental health facility where the offender is located shall provide the UDC medical administrator with a copy of the reviewing staff's recommendation and:
 - (i) all available clinical facts;
 - (ii) the diagnosis;
 - (iii) the course of treatment received at the mental health facility;
 - (iv) the prognosis for remission of symptoms;
 - (v) the potential for recidivism;
 - (vi) an estimation of the offender's dangerousness, either to self or others; and
 - (vii) recommendations for future treatment.

Amended by Chapter 366, 2011 General Session