

**77-16a-205 Parole.**

- (1) When an offender with a mental illness who has been committed to the department becomes eligible to be considered for parole, the board shall request a recommendation from the executive director and from UDC before placing the offender on parole.
- (2) Before setting a parole date, the board shall request that its mental health adviser prepare a report regarding the offender with a mental illness, including:
  - (a) all available clinical facts;
  - (b) the diagnosis;
  - (c) the course of treatment received at the mental health facility;
  - (d) the prognosis for remission of symptoms;
  - (e) potential for recidivism;
  - (f) an estimation of the dangerousness of the offender with a mental illness either to self or others; and
  - (g) recommendations for future treatment.
- (3) Based on the report described in Subsection (2), the board may place the offender with a mental illness on parole. The board may require mental health treatment as a condition of parole. If treatment is ordered, failure to continue treatment, except by agreement with the treatment provider, and the board, is a basis for initiation of parole violation hearings by the board.
- (4) UDC, through Adult Probation and Parole, shall monitor the status of an offender with a mental illness who has been placed on parole. UDC may provide treatment by contracting with the department, a local mental health authority, any other public or private provider, or in-house staff.
- (5) The period of parole may be no less than five years, or until expiration of the defendant's sentence, whichever occurs first. The board may not subsequently reduce the period of parole without considering an updated report on the offender's current mental condition.

Amended by Chapter 366, 2011 General Session