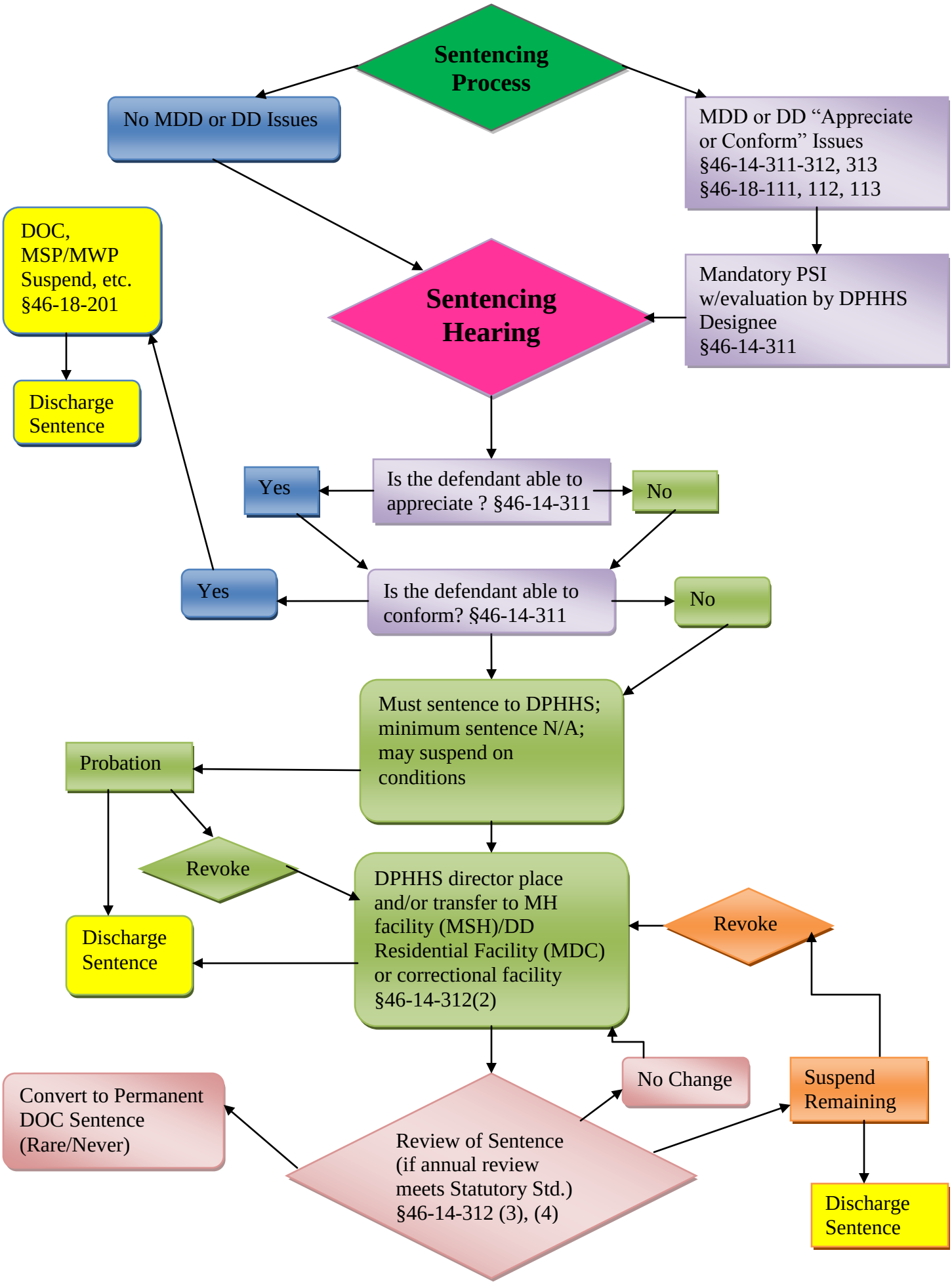
Sentencing Process
No MDD or DD Issues
MDD or DD "Appreciate or Conform" Issues §46-14-311-312, 313 §46-18-111, 112, 113
DOC, MSP/MWP Suspend, etc. §46-18-201
Discharge Sentence
Sentencing Hearing
Mandatory PSI w/evaluation by DPHHS Designee §46-14-311
Yes
Is the defendant able to appreciate ? §46-14-311
No
Yes
Is the defendant able to conform? §46-14-311
No
Must sentence to DPHHS; minimum sentence N/A; may suspend on conditions
Probation
Revoke
DPHHS director place and/or transfer to MH facility (MSH)/DD Residential Facility (MDC) or correctional facility §46-14-312(2)
Revoke
Discharge Sentence
No Change
Suspend Remaining
Convert to Permanent DOC Sentence (Rare/Never)
Review of Sentence (if annual review meets Statutory Std.) §46-14-312 (3), (4)
Discharge Sentence