

Revocation of MSOP Provisional Discharge Minn. Stat. § 253D.30

A. Provisional Discharge

Some people who have been committed may be discharged from the Minnesota Sex Offender Program (MSOP) treatment facility on what is called a provisional discharge. This allows an individual to be discharged, but still remain on a commitment.

An individual committed as a sexually dangerous person (SDP) or a person with a sexual psychopathic personality (SPP) cannot be provisionally discharged unless the individual is capable of making an acceptable adjustment to society.

- 1) Two factors are considered in deciding to grant a provisional discharge.
 - a) Whether the individual's course of treatment and present mental status indicate there is no longer a need for treatment and supervision in the current treatment setting; and
 - b) Whether the conditions of the provisional discharge plan provide a reasonable degree of protection to the public while enabling the individual to be successful in the community.
- 2) The executive director, along with the individual and other appropriate persons must develop and monitor a provisional discharge plan. The plan must be reviewed at least quarterly by the executive director and the individual and a report on the individual's status and compliance with the plan must be submitted to the committing county's attorney and the county of financial responsibility.
- 3) The provisional discharge does not automatically terminate. The individual can request changes to the provisional discharge conditions and the individual can petition the special review board for a full discharge.

B. Voluntary Readmission

An individual on a provisional discharge may voluntarily return to MSOP for up to 60 days with the consent of the executive director.

If the individual isn't returned to a provisional discharge within 60 days, the provisional discharge is revoked. If this happens, the individual has 15 days to request a review of the revocation with the special review board.

All of the terms and conditions of the provisional discharge remain in effect if the individual is discharged from MSOP within 60 days. The Special Review Board only needs to review this if there is a substantial change to the existing plan.

C. Revocation of Provisional Discharge

- 1) The executive director can revoke a provisional discharge for either of these reasons:
 - a) The individual has violated the conditions of the provisional discharge plan; or
 - b) The individual is exhibiting behavior which may be dangerous to self or others.
- 2) The executive director can revoke the provisional discharge and then order, either orally or in writing, the individual be immediately returned to a MSOP treatment facility. The executive director has 7 days after the individual is returned to the facility to issue a report documenting the reasons for the revocation. The report must outline specific reasons and facts upon which the revocation is based. Advance notice to the individual is not required.
- 3) A copy of the revocation report must be given to the individual, the individual's attorney, the committing county's attorney, and the county of financial responsibility.
- 4) An individual who is revoked from a provisional discharge must successfully re-petition the special review board and judicial appeal panel before returning to provisional discharge status.

D. Appeal of Revocation

An individual whose provisional discharge was revoked, or any interested person may petition the special review board for a review of the revocation. The petition must be filed within 7 days, not including Saturdays, Sundays, and legal holidays. The hearing must be scheduled within 30 days.

At the hearing, the special review board will recommend to the judicial appeal panel whether or not the revocation should be upheld. The special review board may also recommend a new provisional discharge.

ADA Statement: If you have a disability and want this notice in a different format or if you want more detailed information on the commitment process, contact the Office of the Ombudsman for Mental Health and Developmental Disabilities, 121 7th Place E., Suite 420 Metro Square Bldg, St. Paul, Minnesota 55101, <https://mn.gov/omhdd/> Voice: 651-757-1800 or Toll Free: 1-800-657-3506.