

THE COURT FINDS IT APPROPRIATE FOR THE HEALTH OR SAFETY OF THE DEFENDANT, THE COURT MAY ORDER CONFINEMENT IN A MEDICAL WING OR OTHER ISOLATED AND SECURE UNIT OF THE CORRECTIONAL FACILITY.

(2) (I) IF THE COURT FINDS THAT, BECAUSE OF THE APPARENT SEVERITY OF THE MENTAL DISORDER OR MENTAL RETARDATION, A DEFENDANT IN CUSTODY WOULD BE ENDANGERED BY CONFINEMENT IN A CORRECTIONAL FACILITY, THE COURT MAY ORDER THAT THE HEALTH DEPARTMENT, IN THE HEALTH DEPARTMENT'S DISCRETION:

1. CONFINE THE DEFENDANT, PENDING EXAMINATION, IN A MEDICAL FACILITY THAT THE HEALTH DEPARTMENT DESIGNATES AS APPROPRIATE; OR

2. IMMEDIATELY CONDUCT A COMPETENCY EXAMINATION OF THE DEFENDANT BY A COMMUNITY FORENSIC SCREENING PROGRAM OR OTHER AGENCY THAT THE HEALTH DEPARTMENT FINDS APPROPRIATE.

(II) UNLESS THE HEALTH DEPARTMENT RETAINS THE DEFENDANT, THE DEFENDANT SHALL BE PROMPTLY RETURNED TO THE COURT AFTER THE EXAMINATION.

(3) A DEFENDANT WHO IS HELD FOR EXAMINATION UNDER THIS SECTION MAY QUESTION AT ANY TIME THE LEGALITY OF THE DETENTION BY PETITION FOR A WRIT OF HABEAS CORPUS.

(D) DUTIES OF HEALTH DEPARTMENT.

(1) IF A COURT ORDERS AN EXAMINATION UNDER THIS SECTION, THE HEALTH DEPARTMENT SHALL:

(I) EXAMINE THE DEFENDANT; AND

(II) SEND A COMPLETE REPORT OF ITS FINDINGS TO:

1. THE COURT;
2. THE STATE'S ATTORNEY; AND
3. THE DEFENSE COUNSEL.

(2) UNLESS THERE IS A PLEA THAT THE DEFENDANT WAS NOT CRIMINALLY RESPONSIBLE UNDER § 3-109 OF THIS TITLE, THE DEFENDANT IS ENTITLED TO HAVE THE REPORT WITHIN 7 DAYS AFTER THE COURT ORDERS THE EXAMINATION. HOWEVER, FAILURE OF THE HEALTH DEPARTMENT TO SEND THE COMPLETE REPORT WITHIN THAT TIME IS NOT, OF ITSELF, GROUNDS FOR DISMISSAL OF THE CHARGES. ON GOOD CAUSE SHOWN, THE COURT MAY EXTEND THE TIME FOR EXAMINATION.

(3) IF THE HEALTH DEPARTMENT REPORTS THAT, IN ITS OPINION, THE DEFENDANT IS INCOMPETENT TO STAND TRIAL, THE REPORT SHALL STATE, IN A COMPLETE SUPPLEMENTARY OPINION, WHETHER, BECAUSE OF MENTAL