

*to the applicable provisions of Section 8 of this Article and after such hearing the court shall order said person returned to custody or commitment or returned to the institution for commitment as a defective delinquent as provided in Section 9 of this Article.*

IF ON THE BASIS OF SUCH STUDY THE CLINIC SHALL DETERMINE THAT SAID PERSON IS IN ITS OPINION A DEFECTIVE DELINQUENT IT SHALL PROMPTLY FILE A REPORT WITH THE COURT BY WHICH SAID PERSON WAS SENTENCED SETTING FORTH THE BASIS ON WHICH SUCH DETERMINATION WAS MADE. AT THE TIME OF FORWARDING SAID REPORT TO THE COURT A COPY THEREOF SHALL BE SERVED ON SAID PERSON BY THE DIRECTOR, OR HIS DEPUTY, IN CHARGE OF THE CUSTODIAL DUTIES OF THE INSTITUTION. UNLESS SAID PERSON OR SOMEONE ON HIS BEHALF WITHIN SIXTY DAYS OF THE DATE ON WHICH SAID REPORT WAS SERVED ON SAID PERSON, SHALL FILE WITH SAID COURT A REQUEST FOR A HEARING PURSUANT TO THE APPLICABLE PROVISIONS OF SECTION 8 OF THIS ARTICLE, SAID COURT SHALL PASS AN ORDER CONFIRMING THE FINDING OF THE CLINIC THAT SAID PERSON IS A DEFECTIVE DELINQUENT AND ORDER HIM TO BE COMMITTED OR RETURNED TO THE INSTITUTION AS PROVIDED IN SECTION 9 (B) OF THIS ARTICLE. IF, HOWEVER, SUCH REQUEST FOR A HEARING IS FILED WITH THE COURT WITHIN THE PERIOD MENTIONED THEN A HEARING SHALL BE HELD AT WHICH THE BURDEN OF PROOF SHALL BE UPON THE CLINIC TO ESTABLISH BY PREPONDERANCE OF THE EVIDENCE THAT SAID PERSON IS A DEFECTIVE DELINQUENT. AFTER SUCH HEARING SAID COURT SHALL ORDER SAID PERSON RETURNED TO THE CUSTODY OF THE INSTITUTION TO WHICH ORIGINALLY SENTENCED OR RETURNED TO PATUXENT INSTITUTION FOR COMMITMENT AS A DEFECTIVE DELINQUENT AS PROVIDED IN SECTION 9 OF THIS ARTICLE.

5. (Defined.) For the purposes of this Article, a defective delinquent shall be defined as an individual who, by the demonstration of persistent aggravated anti-social or criminal behavior, evidences a propensity toward criminal activity, and who is found to have either such intellectual deficiency or emotional unbalance, or both, as to clearly demonstrate an actual danger to society so as to require *such* confinement and treatment, *when appropriate*, [under an indeterminate sentence, subject to being released only if the intellectual deficiency and/or the emotional unbalance is so relieved] as [to] *may* make it reasonably safe for society to terminate the confinement and treatment.

6.

(b) The request for such examination may be made by the State's Attorney or Assistant State's Attorney who prosecuted the person for a crime or offense specified hereinabove in this section, [or by the Chairman of the Board of Correction,] on any knowledge or suspicion of the presence of defective delinquency, in the defendant in such case. The defendant himself, or his attorney in his behalf, may make such a request of the Court. Whenever a request for