

tioner of psychiatry of his own choice for the purpose of determining whether he is a defective delinquent within the terms of this article; and the reasonable costs of such examination shall be defrayed by the State of Maryland from the appropriations to the judiciary, in such amount as may be approved by the court. The report of examination made by such psychiatrist shall be submitted in writing addressed to the court.

8.

(a) If the institution for defective delinquents in its report on any individual shall state that he is a defective delinquent, the court shall summon the individual before it for hearing, and may in its discretion summon other witnesses and secure further evidence. Upon the application of the State, or of the defendant for a jury trial, or upon its own motion, the court shall empanel a jury of twelve persons to be selected by the court from the jurors then in attendance upon said court; or if the court is in recess, the jurors shall be selected from those in attendance at the term of court at which said petition is heard. The court shall direct such jury after hearing to find specially, by its verdict, whether the defendant is a defective delinquent as defined in Section 5. In the absence of request for finding by a jury, the court may make such determination sitting as judge and jury. The defendant when summoned for hearing shall be given a copy of the report of the institution; he shall be represented by counsel of his own choice, or if he makes no choice, by competent counsel appointed by the court, and shall be given full opportunity to summon witnesses to and present evidence at the said hearing. Counsel appointed herein by the court may also represent the defendant in prosecuting an application for leave to appeal and in appealing as provided in Section 11 of this article.

(b) Counsel shall be chosen by the defendant or appointed by the court within twenty days of the service of the summons and report upon the defendant; the hearing shall be set so as to allow counsel not less than thirty days from the date of his appointment in order to prepare his case, unless he himself shall request an earlier hearing, which then may be granted in the discretion of the court.

(c) Counsel for the defendant, and for the State, shall have access to all records, reports, and papers of the institution relating to the defendant, and to all papers in the possession of the court bearing upon the defendant's case.

9.

(a) If the court or the jury, as the case may be, shall find and determine that the said defendant is not a defective delinquent, the court shall order him returned to *the custody of the Department of Correction*, and he shall begin or resume his period of confinement on said conviction as if he had not been examined for possible defective delinquency. Provided, however, that the said defendant shall be returned to custody under his original sentence with full credit for such time as he has already spent in the institution for defective delinquents or [elsewhere] within the custody of the Department of Correction including such allowances (or disallowances) relating to good behavior and/or work performed as the Board of Correction may determine under the provisions of Section 688 of Article 27 of the Code.