

SECTION 1. *Be it enacted by the General Assembly of Maryland, That Sections 7 through 12 inclusive of Article 59 of the Annotated Code of Maryland (1964 Replacement Volume and 1966 Supplement), title "Lunatics and Insane," subtitle "Insanity as a Defense in Criminal Cases," be and they are hereby repealed, and that new Sections 7, 8, 9, 10, 11 and 12 be and they are hereby enacted in lieu thereof, to stand in the place of the sections so repealed and to read as follows:*

7.

*Whenever prior to or during the trial, any person charged with the commission of any crime shall appear to the court, or be alleged to be incompetent to stand trial, BY THE DEFENDANT HIMSELF, the court shall determine ~~without the aid of a jury~~ upon testimony and evidence presented on the record whether such person is unable to understand the nature or the object of the proceeding against him or to assist in his defense. The court for good cause and after affording the defendant an opportunity to be heard on his own behalf or through counsel may pass an order requesting an examination of the defendant by the Department of Mental Hygiene. During the period for which any person may be held for examination under this section, he may at any time question the legality of his detention by means of the writ of habeas corpus. The court (save in capital cases), may upon consideration of the nature of the charge, require or permit the examination to be conducted on an out-patient basis and where such out-patient examination is authorized, shall set bail for the defendant or authorize his release upon recognizance. The court shall fix and from time to time may modify the conditions under which the examination shall be made. Whenever any defendant shall be referred to the Department of Mental Hygiene for an examination of his competency to stand trial under this section, he shall be examined and a full and complete report of findings shall be forwarded to the court having jurisdiction over the defendant, to the State's Attorney and to counsel for the defendant within the time specified in Section 10 below. If the court after receiving ~~any other~~ testimony and evidence determines that the defendant is competent to stand trial within the meaning of this section, the trial shall commence as soon as practicable or, if already commenced, shall continue. The court may in its discretion at any time during the trial and until the verdict is rendered, reconsider the question of the competency of the defendant to stand trial as otherwise provided in this section.*

8.

*(a) If the Department of Mental Hygiene shall report that in its opinion a defendant is not competent to stand trial within the meaning of Section 7, the Department shall include in its report, FOR THE PURPOSE OF RELEASING THE DEFENDANT FOR OUT PATIENT CARE, BAIL OR RECOGNIZANCE, a full and complete supplementary opinion stating whether such person, by reason of mental disease or defect, would, if he becomes a free agent, be a danger to himself or to the safety of the person or property of others. ~~In stating this opinion, the Department shall utilize the standards applicable to civil commitment proceedings under Section 22 of this Article.~~ If the court, after receipt of the report, shall find that the defendant is not, by reason of mental*