

Article 59 - Mental Hygiene  
 Section 27  
 Annotated Code of Maryland  
 (1972 Replacement Volume and 1978 Supplement)

BY adding to

Article 59 - Mental Hygiene  
 Section 27, 27A, 27B and 27C  
 Annotated Code of Maryland  
 (1972 Replacement Volume and 1978 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article 59 - Mental Hygiene

27.

[A person who has been found not guilty of any crime by reason of insanity at the time of the commission of the act, in the discretion of the court, may be committed to the Department of Mental Hygiene for confinement in one of the facilities of the State for examination and evaluation to determine, by the standards applicable to civil admission proceedings under §§ 11 and 12 of this article, whether such person by reason of mental disorder would, if he becomes a free agent, be a danger to himself or to the safety of the person or property of others. Upon the basis of the report by the facility, and any other evidence before it, the court may in its discretion, direct that the person be confined in a facility designated by the Department for treatment. He shall at any time after three (3) months from the date of his confinement for examination and evaluation have the right to apply for his release pursuant to the provisions of § 15 of this article. Before a hearing on such application and petition shall be held the applicant shall present a copy of the application and petition to the State's attorney of Baltimore City or the county from which the defendant was committed. Upon a negative report by the facility, the court having jurisdiction shall order the person promptly released unless good cause for a contrary determination as to dangerousness is shown by the State's attorney.]

(A) IN THIS SECTION AND IN §§ 27A, 27B AND 27C, "PERSON" MEANS A CRIMINAL DEFENDANT WHO HAS BEEN FOUND NOT GUILTY BY REASON OF INSANITY, UNLESS THE CONTEXT OF ITS USE REQUIRES OTHERWISE.

(B) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, IMMEDIATELY AFTER A PERSON HAS BEEN FOUND NOT GUILTY BY REASON OF INSANITY, THE COURT SHALL ORDER THE PERSON COMMITTED TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR EXAMINATION AND EVALUATION. THE COURT SHALL