

STATE IN ITS ORDER WHETHER THE EXAMINATION AND EVALUATION ARE TO BE CONDUCTED ON AN IN-PATIENT OR OUT-PATIENT BASIS.

(C) THE EXAMINATION AND EVALUATION IS FOR THE PURPOSE OF DETERMINING WHETHER:

(I) THE PERSON HAS A MENTAL DISORDER; AND

(II) BY REASON OF THAT MENTAL DISORDER, HE WOULD BE A DANGER TO HIMSELF OR TO THE PERSON OR PROPERTY OF OTHERS IF NOT CONFINED IN AN INSTITUTION FOR IN-PATIENT CARE OR TREATMENT OR NOT SUBJECT TO SPECIFIC CONDITIONS IMPOSED BY THE COURT IN THE EVENT HE IS NOT CONFINED IN AN INSTITUTION FOR IN-PATIENT CARE OR TREATMENT.

(D) THE EXAMINATION AND EVALUATION SHALL BE COMMENCED PROMPTLY AND SHALL BE COMPLETED WITHIN 20 DAYS OF THE COMMITMENT ORDER UNLESS FOR GOOD CAUSE SHOWN THE COURT EXTENDS THE TIME FOR COMPLETION. A COPY OF THE EVALUATION REPORT SHALL BE SENT TO THE STATE'S ATTORNEY, THE HEARING OFFICER, THE PERSON, AND HIS COUNSEL.

(E) THE COURT MAY ENTER AN ORDER DIRECTING THAT THE PERSON REMAIN FREE FROM CONFINEMENT, EITHER WITH OR WITHOUT CONDITION, WITHOUT COMMITMENT TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE PURSUANT TO SUBSECTION (B) OF THIS SECTION IF:

(I) BOTH THE STATE'S ATTORNEY AND THE PERSON AGREE TO THAT PROCEDURE AND TO THE CONDITIONS IMPOSED BY THE COURT, IF ANY; AND

(II) THE COURT HAS AVAILABLE AN EVALUATION SIMILAR TO THAT PROVIDED FOR IN SUBSECTION (B) OF THIS SECTION MADE WITHIN THE PRECEDING 90 DAYS.

27A.

(A) WITHIN 10 DAYS AFTER COMPLETION OF THE EVALUATION, A HEARING SHALL BE CONDUCTED BY A HEARING OFFICER DESIGNATED BY THE SECRETARY. NOTICE OF THE HEARING SHALL BE SENT TO THE STATE'S ATTORNEY, THE PERSON, AND HIS COUNSEL. THE HEARING IS FOR THE PURPOSE OF CONSIDERING THE EVALUATION AND OTHER RELEVANT INFORMATION TO ENABLE THE HEARING OFFICER TO MAKE RECOMMENDATIONS TO THE COURT WITH RESPECT TO THE ISSUES ENUMERATED IN § 27(C).

(B) AT THE HEARING, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR ITS DESIGNEE, SHALL PRESENT THE REPORTS OF THE EXAMINATION AND EVALUATION AND OTHER RELEVANT EVIDENCE. THE PERSON HAS THE RIGHT TO BE REPRESENTED BY A LAWYER, AND IF INDIGENT, TO BE REPRESENTED BY THE PUBLIC DEFENDER OR A LAWYER APPOINTED BY HIM. THE PERSON HAS AND THE STATE'S ATTORNEY HAVE THE RIGHT:

(I) TO BE PRESENT;