

custody after referral by a court for a criminal competency examination; and providing for the transportation of these persons to an evaluation facility and their return from the facility after the evaluation is completed; and clarifying language.

BY repealing and reenacting, with amendments,

Article 59 - Mental Hygiene
Section 26
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 BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows: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

26.

(A) Where a defendant [shall have] interposed a plea in writing pursuant to § 25 of this article [alleging that he was insane at the time of the commission of the alleged crime], the Department shall forward a report of its opinions relating to insanity at the time of commission of the alleged offense and to competency to stand trial[,] to the court having jurisdiction over the defendant within [sixty (60)] 60 days after referral.

(B) Where no plea alleging insanity at the time of the commission of the alleged offense has been interposed by the defendant, the Department shall forward its report of opinion as to competency to stand trial within [thirty (30)] 7 30 days after referral, if the allegation of incompetency was made by or on behalf of the defendant, or within [thirty (30)] 7 30 days after referral, if the allegation of incompetency was made by the court upon its own motion.

(C) In all cases, it shall be the right of the defendant to have the report filed within the time specified herein.

(D) In all cases, the order of court referring the defendant for examination shall recite the applicable time period for examination which may be extended by subsequent order of court for good cause shown.

~~(E) IN CASES IN WHICH THE DEFENDANT IS TO BE EVALUATED AS AN INPATIENT, THE DEFENDANT HAS THE RIGHT TO BE RETURNED TO THE JURISDICTION OF THE COURT WITHIN THE CORRESPONDING TIME SPECIFIED IN SUBSECTION (B) RELATING TO FILING OF REPORTS.~~

(F) IN CASES IN WHICH THE DEFENDANT REMAINS IN CUSTODY AFTER BEING REFERRED FOR AN EXAMINATION, THE DEFENDANT SHALL