

CHAPTER 292

(Senate Bill 221)

AN ACT concerning

Plea of Not Guilty by Reason of Insanity

FOR the purpose of changing the time in which a hearing must be held after evaluation of a person found not guilty by reason of insanity; limiting the period of conditional release for such a person; changing the criteria for proof of findings by the court; allowing certain interested parties to apply for modification of a conditional release order; and generally relating to procedures relating to persons found not guilty by reason of insanity.

BY repealing and reenacting, with amendments,

Article 59 - Mental Hygiene
Section 27A(a), 27B(f) and (i), 27C(b), and 28
Annotated Code of Maryland
(1972 Replacement Volume and 1979 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 BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows: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

27A.

(a) [Within 10 days after completion of the evaluation.] UNLESS POSTPONED FOR GOOD CAUSE OR BY AGREEMENT OF THE PERSON AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, WITHIN 30 DAYS AFTER THE DATE OF THE ORDER SPECIFIED IN § 27A 27(B), 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).

27B.

(f) If the court finds that the person has a mental disorder, and by reason of that mental disorder would not be a danger to himself or the person or property of others if not confined in an institution for in-patient care or treatment, but would be a danger if released into the