

(2) IF THE TRIER OF FACT DETERMINES THAT THE INDIVIDUAL IS NOT A MENTALLY RETARDED INDIVIDUAL OR IS A MENTALLY RETARDED INDIVIDUAL, BUT DOES NOT NEED IN-RESIDENCE TREATMENT, THE INDIVIDUAL SHALL BE RELEASED FROM THE FACILITY OR VETERANS' ADMINISTRATION HOSPITAL.

(H) APPEALS.

ANY PARTY MAY APPEAL FROM A DECISION ON THE PETITION AS IN ANY OTHER CIVIL CASE.

(I) RECORDS OF PROCEEDINGS.

APPROPRIATE RECORDS OF THE PROCEEDING UNDER THIS SECTION SHALL BE MADE A PERMANENT PART OF THE INDIVIDUAL'S RECORD.

(J) LATER REVIEW.

(1) AFTER A DETERMINATION ON THE MERITS OF A PETITION UNDER THIS SECTION, A COURT MAY NOT HEAR A LATER PETITION FOR THE INDIVIDUAL WITHIN 1 YEAR AFTER THAT DETERMINATION, UNLESS:

(I) THE PETITION IS ACCOMPANIED BY AN AFFIDAVIT THAT SHOWS AN IMPROVEMENT IN THE CONDITION OF THE MENTALLY RETARDED INDIVIDUAL AFTER THE DETERMINATION; AND

(II) THE COURT, AFTER REVIEW OF THE PETITION AND AFFIDAVIT, DETERMINES THAT THE MATTER SHOULD BE REOPENED.

(2) IF THE MATTER IS REOPENED, THE PETITION SHALL BE HEARD AS PROVIDED IN THIS SECTION.

REVISOR'S NOTE: This section formerly appeared as Article 59A, § 14.

Throughout this section, reference to an "individual" is substituted for "mentally retarded person", since the individual for whom release is sought may not be a mentally retarded individual.

In subsection (b) of this section, the former reference to Baltimore City is deleted as unnecessary in light of the use of the defined term "county".

In subsection (g)(1) of this section, the phrase "trier of fact" is substituted for "jury or court sitting as a jury", for brevity.