

(D) REPORT ON EXAMINATION.

(1) IF A COURT ORDERS AN EXAMINATION UNDER THIS SECTION, THE DEPARTMENT SHALL:

(I) EXAMINE THE DEFENDANT; AND

(II) SEND A COMPLETE REPORT OF ITS FINDINGS:

1. TO THE COURT;
2. TO THE STATE'S ATTORNEY; AND
3. TO THE DEFENSE COUNSEL.

(2) UNLESS THERE IS ALSO A PLEA THAT THE DEFENDANT WAS INSANE, THE DEFENDANT IS ENTITLED TO HAVE THE REPORT WITHIN 7 DAYS AFTER THE COURT ORDERS THE EXAMINATION. HOWEVER, FAILURE OF THE DEPARTMENT TO SEND THE COMPLETE REPORT WITHIN THAT TIME IS NOT, OF ITSELF, GROUNDS FOR DISMISSAL OF THE CHARGES. ON GOOD CAUSE SHOWN, THE COURT MAY EXTEND THE TIME FOR EXAMINATION.

(3) IF THE DEPARTMENT REPORTS THAT, IN ITS OPINION, THE DEFENDANT IS INCOMPETENT TO STAND TRIAL, THE REPORT SHALL STATE, IN A COMPLETE SUPPLEMENTARY OPINION, WHETHER, BECAUSE OF MENTAL RETARDATION OR A MENTAL DISORDER, THE DEFENDANT WOULD BE A DANGER TO THE DEFENDANT OR THE PERSON OR PROPERTY OF ANOTHER, IF RELEASED.

REVISOR'S NOTE: This section is new language derived without substantive change from the third through the seventh sentences of former Article 59, § 23 and the first sentence of § 24(a) and from former Article 59, § 26(b) and, as they related to incompetency, (c) through (e).

In subsection (a)(1) of this section, reference to a determination "whether the defendant is incompetent to stand trial" is added for clarity.

Also in subsection (a)(1) of this section, the former reference to being heard "on his own behalf or through counsel" is deleted as unnecessary.

Throughout subsection (c) of this section, the word "examination" is substituted for references to "evaluation", for conformity.

In subsection (c)(1) of this section, the defined term "jail" is substituted for the phrase "jail, detention center or correctional facility".