

## (C) VERDICT NOT ALLOWED.

A COURT MAY NOT DIRECT OR ACCEPT A VERDICT THAT THE DEFENDANT WAS INSANE UNLESS THE DEFENDANT OR DEFENSE COUNSEL HAS FILED A WRITTEN PLEA ALLEGING, IN SUBSTANCE, THAT THE DEFENDANT WAS INSANE WHEN THE ALLEGED CRIME WAS COMMITTED.

REVISOR'S NOTE: This section is new language derived without substantive change from the first, third, and fourth sentences of former Article 59, § 25(b).

In subsection (a) of this section, reference to pleading insanity "at the time of initial pleading" is substituted for "at the time of pleading to the warrant, indictment or information", for brevity.

In subsection (b) of this section, reference to the "trier of fact" is substituted for reference to "the jury", to encompass nonjury trials.

As to examination of the defendant when there is a plea of insanity, see § 12-109 of this title.

Defined terms: "Court" § 12-101  
"Insane" § 12-101

## 12-109. EXAMINATION AS TO SANITY AND COMPETENCE.

## (A) EXAMINATION AUTHORIZED.

IF A PLEA OF INSANITY HAS BEEN FILED, THE COURT MAY ORDER THE DEPARTMENT TO EXAMINE THE DEFENDANT TO DETERMINE WHETHER THE DEFENDANT WAS INSANE AND WHETHER THE DEFENDANT IS INCOMPETENT TO STAND TRIAL.

## (B) CONFINEMENT BEFORE AND DURING EXAMINATION.

(1) IF A DEFENDANT IS TO BE HELD IN CUSTODY FOR EXAMINATION UNDER THIS SECTION, THE DEFENDANT SHALL BE CONFINED IN A JAIL, UNTIL THE DEPARTMENT CAN DO THE EXAMINATION. IF THE COURT FINDS IT APPROPRIATE FOR THE HEALTH OR SAFETY OF THE DEFENDANT, THE COURT MAY ORDER CONFINEMENT:

(I) IN A MEDICAL WING OR OTHER ISOLATED AND SECURE UNIT OF THE JAIL; OR

(II) IF A MEDICAL WING OR OTHER UNIT IS NOT AVAILABLE, IN A MEDICAL FACILITY THAT THE SECRETARY DESIGNATES AS APPROPRIATE.

(2) (1) WHEN THE DEPARTMENT CAN DO THE EXAMINATION, A COURT AGENCY SHALL TAKE THE DEFENDANT TO THE