

EVALUATION FACILITY THAT THE DEPARTMENT DESIGNATES.

(II) AFTER THE EXAMINATION, A COURT AGENCY SHALL RETURN THE DEFENDANT TO THE PLACE OF CONFINEMENT.

(C) REPORT ON EXAMINATION.

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

(I) EXAMINE THE DEFENDANT; AND

(II) SEND A REPORT OF ITS OPINIONS:

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

(2) THE DEFENDANT IS ENTITLED TO HAVE THE REPORT WITHIN 60 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.

REVISOR'S NOTE: Subsections (a), (b), and (c)(1)(i) and (ii)1. and (2) of this section are new language derived without substantive change from the second sentence of former Article 59, § 25(b) and from former Article 59, § 26(a) and, as they related to insanity, (c) through (e).

Subsection (c)(1)(ii)2. and 3. of this section is new language added to provide for distribution of the report made under this section in a manner similar to that provided for distribution of reports on competency and reports on examinations after a finding of insanity. See §§ 12-103(d)(1)(ii) and 12-111(a)(2) of this title. This addition reflects the usual distribution of this report and avoids the need for a court order requiring the distribution.

In subsection (a) of this section, reference to a determination "whether the defendant was insane and ... is incompetent to stand trial" is substituted for the reference to "an examination of the mental condition of such person", for clarity. This substitution is derived from the provision of former Article 59, § 26(a) that set forth the contents of the Department report on its examination.