

Also in subsection (a) of this section, the former, specific reference to the court with jurisdiction is deleted as unnecessary.

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

Also in subsection (b)(1) of this section, the former references to a "hospital" wing and facility are deleted as unnecessary in light of the general references to a "medical" wing and facility.

Defined terms: "Court" § 12-101  
"Department" § 1-101 "Jail" § 12-101  
"Incompetent to "Secretary" § 1-101  
stand trial" § 12-101  
"Insane" § 12-101

12-110. FINDING OF INSANITY -- EXAMINATION AND EVALUATION REQUIREMENTS.

(A) EXAMINATION AND EVALUATION REQUIRED.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IF AN INDIVIDUAL IS FOUND NOT GUILTY OF A CRIME BY REASON OF INSANITY, THE COURT IMMEDIATELY SHALL:

(1) COMMIT THE INDIVIDUAL TO THE DEPARTMENT FOR AN EXAMINATION AND EVALUATION TO DETERMINE WHETHER THE INDIVIDUAL:

(I) IS MENTALLY RETARDED OR HAS A MENTAL DISORDER; AND

(II) BECAUSE OF MENTAL RETARDATION OR A MENTAL DISORDER, WOULD BE A DANGER TO THE INDIVIDUAL OR THE PERSON OR PROPERTY OF ANOTHER, IF RELEASED FROM CONFINEMENT, WITH OR WITHOUT CONDITIONS; AND

(2) SPECIFY WHETHER THE EXAMINATION AND EVALUATION ARE TO BE DONE ON AN INPATIENT OR OUTPATIENT BASIS.

(B) EXCEPTIONS.

A COURT MAY ORDER THAT THE INDIVIDUAL NOT BE COMMITTED TO THE DEPARTMENT AND NOT BE CONFINED IF:

(1) THE COURT HAS AVAILABLE AN EVALUATION REPORT THAT WAS MADE WITHIN THE PRECEDING 90 DAYS; AND

(2) THE INDIVIDUAL AND STATE'S ATTORNEY AGREE TO THE RELEASE AND TO ANY CONDITIONS FOR RELEASE THAT THE COURT