

party who files exceptions orders -- and pays for -- a transcript. Also, under § 12-112(c)(2) of this title, the hearing of the court is held on the record of the administrative hearing. That requirement, and practice, suggest that former Article 59, § 27A(d) may have been intended only as a policy statement, to the effect that transcription is not required routinely. The General Assembly may wish to clarify subsection (c)(2) of this section.

Defined terms: "Court" § 12-101  
 "Department" § 1-101 "Person" § 1-101  
 "Includes"/"including" § 1-101  
 "Mental disorder" § 12-101

12-112. COURT ACTION ON REPORT.

(A) ORDER WITHOUT HEARING.

(1) IF TIMELY EXCEPTIONS ARE NOT FILED AND, ON REVIEW OF THE REPORT, THE COURT DETERMINES THAT THE RECOMMENDATIONS ARE SUPPORTED BY THE EVIDENCE AND OTHERWISE APPROPRIATE, THE COURT SHALL ENTER AN ORDER IN ACCORDANCE WITH THE RECOMMENDATIONS.

(2) THE ORDER SHALL BE ENTERED WITHIN 30 DAYS AFTER THE COURT RECEIVES THE REPORT.

(B) HEARING REQUIRED; WAIVER.

(1) IF TIMELY EXCEPTIONS ARE FILED OR THE COURT DOES NOT INTEND TO FOLLOW THE RECOMMENDATIONS IN THE REPORT, THE COURT SHALL HOLD A HEARING, UNLESS THE INDIVIDUAL AND STATE'S ATTORNEY WAIVE THE HEARING.

(2) THE HEARING SHALL BE HELD WITHIN 30 DAYS AFTER THE COURT RECEIVES THE REPORT.

(C) PROCEDURES FOR HEARING.

(1) AT THE HEARING, THE INDIVIDUAL IS ENTITLED:

(I) TO BE PRESENT; AND

(II) TO BE REPRESENTED BY COUNSEL.

(2) THE COURT SHALL HOLD THE HEARING ON THE RECORD THAT WAS MADE BEFORE THE HEARING EXAMINER AND, WHEN REQUIRED, MAY ORDER A TRANSCRIPT OF THAT HEARING.

(3) THE COURT MAY CONTINUE ITS HEARING AND REMAND FOR THE HEARING OFFICER TO TAKE ADDITIONAL EVIDENCE.

REVISOR'S NOTE: This section is new language derived