

without substantive change from former Article 59, § 27B(b) and (c).

In subsection (b) of this section, reference to "timely" exceptions is added for clarity and conformity to other references.

Defined term: "Court" § 12-101

12-113. COURT ORDER AFTER HEARING OR WAIVER.

(A) TIME LIMITATION.

WITHIN 15 DAYS AFTER A HEARING IS WAIVED OR THE HEARING ENDS, THE COURT SHALL ENTER AN APPROPRIATE ORDER AS PROVIDED IN THIS SECTION.

(B) COMMITTAL.

(1) THE COURT SHALL ORDER COMMITMENT TO THE DEPARTMENT FOR INSTITUTIONAL, INPATIENT CARE OR TREATMENT IF THE COURT FINDS, ON CLEAR AND CONVINCING EVIDENCE, THAT 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 NOT CONFINED.

(2) THE COURT ORDER SHALL CONTAIN A CONCISE STATEMENT OF THE FINDINGS OF THE COURT AND REASONS FOR THOSE FINDINGS.

(3) IF THE COURT COMMITS THE INDIVIDUAL PRIMARILY BECAUSE OF MENTAL RETARDATION, THE DEPARTMENT SHALL DESIGNATE FOR CARE AND TREATMENT A FACILITY FOR MENTALLY RETARDED INDIVIDUALS.

(C) CONDITIONAL RELEASE.

(1) THE COURT SHALL ORDER CONDITIONAL RELEASE IF:

(I) THE COURT FINDS, ON CLEAR AND CONVINCING EVIDENCE, THAT THE INDIVIDUAL:

1. IS MENTALLY RETARDED OR HAS A MENTAL DISORDER; AND

2. BECAUSE OF MENTAL RETARDATION OR A MENTAL DISORDER, WOULD BE A DANGER TO THE INDIVIDUAL OR THE PERSON OR PROPERTY OF ANOTHER, IF RELEASED WITHOUT CONDITIONS THAT THE COURT IMPOSES; BUT