

(II) THE COURT CANNOT FIND, ON CLEAR AND CONVINCING EVIDENCE, THAT, BECAUSE OF MENTAL RETARDATION OR A MENTAL DISORDER, THE INDIVIDUAL WOULD BE A DANGER TO THE INDIVIDUAL OR THE PERSON OR PROPERTY OF ANOTHER, IF NOT CONFINED.

(2) UNLESS EXTENDED UNDER § 12-115 OF THIS TITLE, THE COURT MAY NOT CONTINUE THE CONDITIONS OF A RELEASE UNDER THIS SUBSECTION FOR MORE THAN 5 YEARS.

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

(D) UNCONDITIONAL RELEASE.

THE COURT SHALL ORDER UNCONDITIONAL RELEASE OF THE INDIVIDUAL IF THE COURT DOES NOT ORDER COMMITMENT OR CONDITIONAL RELEASE UNDER THIS SECTION.

(E) APPEALS.

(1) AN APPEAL FROM A DISTRICT COURT ORDER SHALL BE ON THE RECORD IN CIRCUIT COURT.

(2) AN APPEAL FROM A CIRCUIT COURT ORDER SHALL BE BY APPLICATION FOR LEAVE TO APPEAL TO THE COURT OF SPECIAL APPEALS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 59, § 27B(d), (e), (f), (h), (i), (i-1), and (j).

As to subsection (c)(1) of this section and the addition of the references to "mentally retarded" and "mental retardation", see revisor's note to § 12-101(f) of this title.

Defined terms: "Court" § 12-101  
"Department" § 1-101 "Mental disorder" § 12-101

12-114. APPLICATION FOR RELEASE.

(A) INITIAL APPLICATION.

SIX MONTHS AFTER A COURT COMMITS AN INDIVIDUAL UNDER § 12-113(B) OF THIS TITLE, THE INDIVIDUAL MAY APPLY FOR RELEASE AS PROVIDED IN SUBSECTION (B) OR (C) OF THIS SECTION. THE INDIVIDUAL MAY NOT APPLY UNDER BOTH SUBSECTIONS.

(B) ADMINISTRATIVE PROCEEDING.

(1) TO APPLY FOR RELEASE UNDER THIS SUBSECTION,