

THE INDIVIDUAL SHALL NOTIFY THE COURT AND STATE'S ATTORNEY, IN WRITING, OF A REQUEST 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 CONDITION.

(2) ON RECEIPT OF THE NOTICE, THE COURT SHALL NOTIFY THE DEPARTMENT TO DO THE EXAMINATION AND EVALUATION WITHIN 20 DAYS AFTER THE NOTICE DATE.

(3) AFTER THE EVALUATION IS DONE, THE INDIVIDUAL HAS THE RIGHTS SET FORTH IN §§ 12-111 THROUGH 12-113 OF THIS TITLE.

(C) JUDICIAL REVIEW.

(1) TO APPLY FOR RELEASE UNDER THIS SUBSECTION, THE INDIVIDUAL SHALL FILE A PETITION FOR RELEASE IN AN EQUITY COURT IN THE COUNTY WHERE THE INDIVIDUAL WAS FOUND NOT GUILTY BY REASON OF INSANITY.

(2) A COPY OF THE PETITION SHALL BE SENT TO THE STATE'S ATTORNEY.

(3) IF THE INDIVIDUAL REQUESTS TRIAL BY JURY, THE TRIAL SHALL BE HELD WITH A JURY AS IN A CIVIL ACTION AT LAW.

(4) THE TRIER OF FACT SHALL:

(I) CONSIDER WHETHER 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 FROM CONFINEMENT; AND

(II) RENDER A VERDICT FOR:

1. CONTINUED CONFINEMENT;
2. CONDITIONAL RELEASE; OR
3. UNCONDITIONAL RELEASE.

(5) WITHIN 30 DAYS AFTER A VERDICT FOR