

make before revocation under other provisions -- e.g., subsection (a)(2) of this section -- are not stated in subsection (b)(4)(iii) of this section.

The Commission also notes, for consideration, that it is unclear whether subsection (b)(4)(i) of this section includes the power to strike all conditions and, thus, to authorize unconditional release.

Defined terms: "Court" § 12-101

"Department" § 1-101 "Mental disorder" § 12-101

12-116. DEPARTMENT APPLICATION FOR CONDITIONAL RELEASE; RECOMMITTAL.

(A) APPLICATION REQUIRED; EXCEPTION.

(1) IF THE DEPARTMENT CONSIDERS THAT AN INDIVIDUAL WHO HAS BEEN COMMITTED UNDER THIS TITLE AND WHO IS NOT SUBJECT OTHERWISE TO UNCONDITIONAL RELEASE COULD BE RELEASED ON CONDITION WITHOUT DANGER TO THE INDIVIDUAL OR THE PERSON OR PROPERTY OF ANOTHER, THE DEPARTMENT SHALL APPLY FOR THE RELEASE AS PROVIDED IN THIS SECTION.

(2) THE DEPARTMENT MAY NOT APPLY, DURING THE FIRST 90 DAYS AFTER COMMITMENT, FOR RELEASE OF AN INDIVIDUAL WHO WAS NOT GUILTY BECAUSE THE INDIVIDUAL WAS INSANE.

(B) APPLICATION.

(1) TO APPLY FOR RELEASE UNDER THIS SECTION, THE DEPARTMENT SHALL SEND:

(I) A REPORT TO THE COURT THAT ORDERED THE COMMITMENT; AND

(II) A COPY OF ITS REPORT TO THE CLERK OF COURT AND THE STATE'S ATTORNEY.

(2) THE CLERK OF COURT SHALL SEND A COPY OF THE REPORT TO THE LAST COUNSEL FOR THE INDIVIDUAL.

(C) COURT ACTION.

THE COURT SHALL MAKE A DETERMINATION AS PROVIDED UNDER § 12-113(B) OR (C) OF THIS TITLE.

(D) REVOCATION AND OTHER CHANGES IN ORDER.

IF THE COURT ORDERS CONDITIONAL RELEASE OF AN INDIVIDUAL UNDER THIS SECTION, THE INDIVIDUAL, STATE'S ATTORNEY, OR DEPARTMENT MAY APPLY FOR A CHANGE OF THE CONDITIONS OR REVOCATION OR EXTENSION OF THE ORDER AS