

(1) The defendant did not timely file a motion for reconsideration under Maryland Rule 4-345; or

(2) The defendant timely filed a motion for reconsideration under Maryland Rule 4-345 which was denied by the court.

[(c)] (B) Before a court commits a defendant to the Department under this section, the court shall:

- (1) Offer the defendant the opportunity to receive treatment;
- (2) Obtain the written consent of the defendant:
 - (i) To receive treatment; and
 - (ii) To have information reported back to the court;
- (3) Order an evaluation of the defendant under § 8-505 or § 8-506 of this subtitle;
- (4) Consider the report on the defendant's evaluation; and
- (5) Find that the treatment that the Department recommends to be appropriate and necessary.

(C) IMMEDIATELY ON RECEIVING AN ORDER FOR TREATMENT UNDER THIS SECTION, THE DEPARTMENT SHALL ORDER A REPORT OF ALL PENDING CASES, WARRANTS, AND DETAINERS FOR THE DEFENDANT AND FORWARD A COPY OF THE REPORT TO THE COURT, THE DEFENDANT, AND THE DEFENDANT'S LAST ATTORNEY OF RECORD.

- (d) (1) The Department shall provide the services required by this section.
- (2) A designee of the Department may carry out any of the Department's duties under this section if appropriate funding is provided.
- (e) (1) A court may not order that the defendant be delivered for treatment until:

(I) [the] THE Department gives the court notice that an appropriate treatment program is able to begin treatment of the defendant;

(II) ANY DETAINER BASED ON AN UNTRIED INDICTMENT, INFORMATION, WARRANT, OR COMPLAINT FOR THE DEFENDANT HAS BEEN REMOVED; AND

(III) ANY SENTENCE OF INCARCERATION FOR THE DEFENDANT IS NO LONGER IN EFFECT.

- (2) The Department shall facilitate the prompt treatment of a defendant.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2006.

Approved May 2, 2006.