

3. the defense counsel.

(2) Unless there is a plea that the defendant was not criminally responsible under § 3-109 of this title, the defendant is entitled to have the report within 7 days after the court orders the examination. However, failure of the Health Department to send the complete report within that time is not, of itself, grounds for dismissal of the charges. On good cause shown, the court may extend the time for examination.

(3) If the Health Department reports that, in its opinion, the defendant is incompetent to stand trial, the report shall state, in a complete supplementary opinion, whether, because of mental retardation or mental disorder, the defendant would be a danger to self or the person or property of another, if released.

(4) A STATEMENT MADE BY THE DEFENDANT IN THE COURSE OF AN EXAMINATION UNDER THIS SECTION IS NOT ADMISSIBLE IN A CRIMINAL PROCEEDING FOR THE PURPOSE OF PROVING THE COMMISSION OF A CRIMINAL OFFENSE OR TO ENHANCE THE SENTENCE OF THE DEFENDANT.

(5) EXCEPT FOR THE PURPOSE OF IMPEACHING THE TESTIMONY OF THE DEFENDANT, A REPORT PREPARED AS THE RESULT OF AN EXAMINATION UNDER THIS SECTION IS NOT ADMISSIBLE IN A CRIMINAL PROCEEDING FOR THE PURPOSE OF PROVING THE COMMISSION OF A CRIMINAL OFFENSE OR TO ENHANCE THE SENTENCE OF THE DEFENDANT.

3-106.

(a) Except in a capital case, if, after a hearing, the court finds that the defendant is incompetent to stand trial but is not dangerous, as a result of a mental disorder or mental retardation, to self or the person or property of others, the court may set bail for the defendant or authorize release of the defendant on recognizance.

(b) (1) If, after a hearing, the court finds that the defendant is incompetent to stand trial and, because of mental retardation or a mental disorder, is a danger to self or the person or property of another, the court may order the defendant committed to the facility that the Health Department designates until the court [is satisfied that] FINDS THAT:

(I) the defendant no longer is incompetent to stand [trial or] TRIAL;

(II) THE DEFENDANT no longer is, because of mental retardation or a mental disorder, a danger to self or the person or property of others; OR

(III) THERE IS NOT A SUBSTANTIAL LIKELIHOOD THAT THE DEFENDANT WILL BECOME COMPETENT TO STAND TRIAL IN THE FORESEEABLE FUTURE.

(2) If a court commits the defendant because of mental retardation, the Health Department shall require the Developmental Disabilities Administration to provide the care or treatment that the defendant needs.