

(c) (1) [On suggestion of the defendant or on its initiative and subject to the limitations on frequency in § 7-507 or § 10-805 of the Health - General Article, as the case may be, the court may reconsider whether the defendant is incompetent to stand trial.] TO DETERMINE WHETHER THE DEFENDANT CONTINUES TO MEET THE CRITERIA FOR COMMITMENT SET FORTH IN SUBSECTION (B) OF THIS SECTION, THE COURT SHALL HOLD A HEARING:

(I) EVERY YEAR FROM THE DATE OF COMMITMENT;

(II) WITHIN 30 DAYS AFTER THE FILING OF A MOTION BY THE STATE'S ATTORNEY OR COUNSEL FOR THE DEFENDANT SETTING FORTH NEW FACTS OR CIRCUMSTANCES RELEVANT TO THE DETERMINATION; AND

(III) WITHIN 30 DAYS AFTER RECEIVING A REPORT FROM THE HEALTH DEPARTMENT STATING OPINIONS, FACTS, OR CIRCUMSTANCES THAT HAVE NOT BEEN PREVIOUSLY PRESENTED TO THE COURT AND ARE RELEVANT TO THE DETERMINATION.

(2) [If the court orders commitment under subsection (b) of this section, the defendant may apply for release under § 7-507 or § 10-805 of the Health - General Article. In computing the availability of review under those sections, as the case may be, the date of the commitment order shall be treated as a hearing.] AT ANY TIME, AND ON ITS OWN INITIATIVE, THE COURT MAY HOLD A CONFERENCE OR A HEARING ON THE RECORD WITH THE STATE'S ATTORNEY AND THE COUNSEL OF RECORD FOR THE DEFENDANT TO REVIEW THE STATUS OF THE CASE.

(D) AT A COMPETENCY HEARING UNDER SUBSECTION (C) OF THIS SECTION, IF THE COURT FINDS THAT THE DEFENDANT IS INCOMPETENT AND IS NOT LIKELY TO BECOME COMPETENT IN THE FORESEEABLE FUTURE, THE COURT SHALL:

(1) CIVILLY COMMIT THE DEFENDANT AS AN INPATIENT IN A MEDICAL FACILITY THAT THE HEALTH DEPARTMENT DESIGNATES PROVIDED THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT:

(I) THE DEFENDANT HAS A MENTAL DISORDER;

(II) INPATIENT CARE IS NECESSARY FOR THE DEFENDANT;

(III) THE DEFENDANT PRESENTS A DANGER TO THE LIFE OR SAFETY OF SELF OR OTHERS;

(IV) THE DEFENDANT IS UNABLE OR UNWILLING TO BE VOLUNTARILY COMMITTED TO A MEDICAL FACILITY; AND

(V) THERE IS NO LESS RESTRICTIVE FORM OF INTERVENTION THAT IS CONSISTENT WITH THE WELFARE AND SAFETY OF THE DEFENDANT; OR

(2) ORDER THE CONFINEMENT OF THE DEFENDANT FOR 21 DAYS AS A RESIDENT IN A DEVELOPMENTAL DISABILITIES ADMINISTRATION FACILITY FOR THE INITIATION OF ADMISSION PROCEEDINGS UNDER § 7-503 OF THE HEALTH - GENERAL ARTICLE PROVIDED THE COURT FINDS THAT THE DEFENDANT, BECAUSE OF MENTAL RETARDATION, IS A DANGER TO SELF OR OTHERS.