

(2001 Volume and 2005 Supplement)

BY adding to

Article - Criminal Procedure

Section 3-123(l)

Annotated Code of Maryland

(2001 Volume and 2005 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Criminal Procedure

3-104.

(a) If, before or during a trial, the defendant in a criminal case OR A VIOLATION OF PROBATION PROCEEDING appears to the court to be incompetent to stand trial or the defendant alleges incompetence to stand trial, the court shall determine, on evidence presented on the record, whether the defendant is incompetent to stand trial.

(b) If, after receiving evidence, the court finds that the defendant is competent to stand trial, the trial shall begin as soon as practicable or, if already begun, shall continue.

(c) At any time [during the trial and] before [verdict] FINAL JUDGMENT, the court may reconsider the question of whether the defendant is incompetent to stand trial.

3-105.

(a) (1) For good cause and after giving the defendant an opportunity to be heard, the court may order the Health Department to examine the defendant to determine whether the defendant is incompetent to stand trial.

(2) The court shall set and may change the conditions under which the examination is to be made.

(b) Except in a capital case, on consideration of the nature of the charge, the court:

(1) may require or allow the examination to be done on an outpatient basis; and

(2) if an outpatient examination is authorized, shall set bail for the defendant or authorize release of the defendant on recognizance.

(c) (1) If a defendant is to be held in custody for examination under this section, the defendant may be confined in a correctional facility until the Health Department can conduct the examination. If the court finds it appropriate for the health or safety of the defendant, the court may order confinement in a medical wing or other isolated and secure unit of the correctional facility.