

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.

(E) THE PROVISIONS UNDER TITLE 10 OF THE HEALTH - GENERAL ARTICLE SHALL APPLY TO THE CONTINUED RETENTION OF A DEFENDANT CIVILLY COMMITTED UNDER SUBSECTION (D) OF THIS SECTION.

(F) (1) FOR A DEFENDANT WHO HAS BEEN FOUND INCOMPETENT TO STAND TRIAL BUT NOT DANGEROUS, AS A RESULT OF A MENTAL DISORDER OR MENTAL RETARDATION, TO SELF OR THE PERSON OR PROPERTY OF OTHERS, AND RELEASED ON BAIL OR ON RECOGNIZANCE, THE COURT:

(I) SHALL HOLD A HEARING ANNUALLY FROM THE DATE OF RELEASE;

(II) MAY HOLD A HEARING, AT ANY TIME, ON ITS OWN INITIATIVE;
OR

(III) SHALL HOLD A HEARING, AT ANY TIME, UPON MOTION OF THE STATE'S ATTORNEY OR THE COUNSEL FOR THE DEFENDANT.

(2) AT A HEARING UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COURT SHALL RECONSIDER WHETHER THE DEFENDANT REMAINS INCOMPETENT TO