

(III) THE DEFENDANT IS ELIGIBLE FOR SERVICES PURSUANT TO § 7-404 OF THE HEALTH - GENERAL ARTICLE.

(6) IF THE REPORT REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION STATES AN OPINION THAT THERE IS NOT A SUBSTANTIAL LIKELIHOOD THAT THE DEFENDANT WILL BECOME COMPETENT IN THE FORESEEABLE FUTURE, THE REPORT SHALL CONTAIN AN OPINION REGARDING WHETHER THE DEFENDANT MEETS THE CRITERIA FOR COMMITMENT UNDER § 3-106(D) OF THIS TITLE.

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

(8) A REPORT PREPARED 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.

(b) [(1)] The clerk of court shall give THE STATE'S ATTORNEY AND the last counsel [for each person, as shown by the court records, notice that the client is listed in the report and a copy of any recommendation that relates to the client] OF RECORD FOR THE DEFENDANT A COPY OF ANY REPORT RECEIVED UNDER THIS SECTION.

[(2) The Health Department shall send a copy of the report to each State's Attorney who brought charges against a person in the report.]

(c) [(1) Within 30 days after a State's Attorney receives the report, the State's Attorney shall send a recommendation on disposition of charges against each person who has been held long enough to be eligible for release under § 3-107 of this title.

(2) The State's Attorney shall send the recommendation about a person to:

- (i) the court that ordered commitment of the person; and
- (ii) the last counsel for the person.

(d)] The facility of the Health Department that has charge of a person committed as incompetent to stand trial shall notify the Criminal Justice Information System Central Repository if the person escapes.

3-123.

(a) (1) In this section the following terms have the meanings indicated.

(2) "Defendant" means:

- (i) a committed individual;
- (ii) an individual found incompetent to stand trial; or