

conform one's conduct to the requirements of law' [§ 12-108(a)(2) of this title] -- does not necessarily affect the person's ability to form a particular specific criminal intent". Opinion No. 82-044 (December 23, 1982) (to be published at 67 Opinions of the Attorney General _____ (1982)).

If the jury finds the defendant not guilty, there is no determination made of the plea of not criminally responsible.

12-110. SAME -- EXAMINATION AS TO CRIMINAL RESPONSIBILITY AND COMPETENCE.

(A) EXAMINATION AUTHORIZED.

IF A DEFENDANT HAS ENTERED A PLEA OF NOT CRIMINALLY RESPONSIBLE, THE COURT MAY ORDER THE DEPARTMENT TO EXAMINE THE DEFENDANT TO DETERMINE WHETHER THE DEFENDANT WAS NOT CRIMINALLY RESPONSIBLE UNDER § 12-108 OF THIS TITLE AND WHETHER THE DEFENDANT IS COMPETENT TO STAND TRIAL.

(B) CONFINEMENT BEFORE AND DURING EXAMINATION.

(1) IF A DEFENDANT IS TO BE HELD IN CUSTODY FOR EXAMINATION UNDER THIS SECTION, THE DEFENDANT SHALL BE CONFINED IN A JAIL, UNTIL THE DEPARTMENT CAN DO THE EXAMINATION. IF THE COURT FINDS IT APPROPRIATE FOR THE HEALTH OR SAFETY OF THE DEFENDANT, THE COURT MAY ORDER CONFINEMENT:

(I) IN A MEDICAL WING OR OTHER ISOLATED AND SECURE UNIT OF THE JAIL; OR

(II) IF A MEDICAL WING OR OTHER SECURE UNIT IS NOT AVAILABLE, IN A MEDICAL FACILITY THAT THE SECRETARY DESIGNATES AS APPROPRIATE.

(2) (I) WHEN THE DEPARTMENT CAN DO THE EXAMINATION, A COURT AGENCY SHALL TAKE THE DEFENDANT TO THE EVALUATION FACILITY THAT THE DEPARTMENT DESIGNATES.

(II) AFTER THE EXAMINATION, UNLESS THE DEPARTMENT RETAINS THE DEFENDANT, A COURT AGENCY SHALL RETURN THE DEFENDANT TO THE PLACE OF CONFINEMENT.

(C) REPORT ON EXAMINATION.

IF A COURT ORDERS AN EXAMINATION UNDER THIS SECTION:

(1) THE DEPARTMENT SHALL:

(I) EXAMINE THE DEFENDANT; AND

(II) SEND A REPORT OF ITS OPINIONS TO THE COURT, THE STATE'S ATTORNEY, THE DEFENDANT, AND THE DEFENSE COUNSEL;