

(2) THE DEFENDANT IS ENTITLED TO HAVE THE REPORT WITHIN 60 DAYS AFTER THE COURT ORDERS THE EXAMINATION. HOWEVER, FAILURE OF THE DEPARTMENT TO SEND THE COMPLETE REPORT WITHIN THAT TIME IS NOT, OF ITSELF, GROUNDS FOR DISMISSAL OF THE CHARGES; AND

(3) FOR GOOD CAUSE SHOWN, THE COURT MAY EXTEND THE TIME FOR EXAMINATION OR ORDER AN ADDITIONAL EXAMINATION.

TASK FORCE COMMENT TO § 12-110.

This section replaces former § 12-109. "Examination as to sanity and competence." The following are the only substantive changes recommended by the Governor's Task Force to Review the Defense of Insanity.

Throughout this section, the term "not criminally responsible" is used consistent with the decision to substitute this term for the term "insanity" or "insane" wherever possible.

In subsection (a) of this section, the term "competent to stand trial" is substituted for "incompetent to stand trial" for clarity in this context.

In subsection (b)(2)(ii) of this section, a new provision permits the Department to retain the defendant. This is added to expressly provide the procedure followed under current administrative practice when the Department determines that the defendant is presently incompetent to stand trial.

In subsection (c)(1) of this section, the Department is required to send its report to the defendant as well as to defense counsel.

In subsection (c)(3) of this section, a new provision is added to permit the Court to order an additional examination of the defendant in its discretion.

12-111. FINDING OF NOT CRIMINALLY RESPONSIBLE -- COMMITMENT.

(A) COMMITMENT.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AFTER A VERDICT OF NOT CRIMINALLY RESPONSIBLE, THE COURT IMMEDIATELY SHALL COMMIT THE DEFENDANT TO THE DEPARTMENT FOR INSTITUTIONAL, INPATIENT CARE OR TREATMENT.

(B) DISPOSITION OF MENTALLY RETARDED.

IF THE COURT COMMITS A DEFENDANT WHO WAS FOUND NOT CRIMINALLY RESPONSIBLE PRIMARILY BECAUSE OF MENTAL RETARDATION, THE DEPARTMENT SHALL DESIGNATE A FACILITY FOR MENTALLY RETARDED INDIVIDUALS FOR CARE AND TREATMENT OF THE COMMITTED INDIVIDUAL.