

(C) EXCEPTIONS.

AFTER A VERDICT OF NOT CRIMINALLY RESPONSIBLE, A COURT MAY ORDER THAT AN INDIVIDUAL BE RELEASED, WITH OR WITHOUT CONDITIONS, INSTEAD OF COMMITTED TO THE DEPARTMENT, BUT ONLY IF:

(1) THE COURT HAS AVAILABLE AN EVALUATION REPORT WITHIN 90 DAYS PRECEDING THE VERDICT MADE BY AN EVALUATING FACILITY DESIGNATED BY THE DEPARTMENT.

(2) THE REPORT INDICATES THAT THE INDIVIDUAL WOULD NOT BE A DANGER, AS A RESULT OF MENTAL RETARDATION OR MENTAL DISORDER, TO SELF OR TO THE PERSON OR PROPERTY OF OTHERS IF RELEASED, WITH OR WITHOUT CONDITION; AND

(3) THE INDIVIDUAL AND THE STATE'S ATTORNEY AGREE TO THE RELEASE AND TO ANY CONDITIONS FOR RELEASE THAT THE COURT IMPOSES.

(D) INCLUSION IN CENTRAL COMPUTER.

THE COURT SHALL NOTIFY THE CENTRAL REPOSITORY OF THE CRIMINAL JUSTICE INFORMATION SYSTEM OF EACH INDIVIDUAL IT ORDERS COMMITTED UNDER THIS SECTION.

TASK FORCE COMMENTS TO § 12-111.

This section replaces former Health - General Article, § 12-110, "Finding of insanity -- Examination and evaluation requirements", and § 12-113(b). The following are the only substantive changes to the section recommended by the Governor's Task Force to Review the Defense of Insanity.

Throughout this section the term "not criminally responsible" is used as recommended by the Governor's Task Force to Review the Defense of Insanity. The term "committed individual" is a newly defined term. See § 12-101(b) of this title. This section makes clear that the State will treat a "committed individual", one who was found not criminally responsible, as a different class individual from one otherwise committed.

In subsection (a) of this section, the former clause "if an individual is found not guilty of a crime by reason of insanity" is deleted in light of the new form of verdict, "not criminally responsible", that is established by this title. See § 12-109 of this title.

In subsection (a) of this section, the Task Force recommends a major change in the law related to the disposition of a defendant who has established mental disorder or mental retardation sufficient to be found not criminally responsible. The former law authorized the court to immediately commit the defendant to the Department but only for a limited time for the purpose of examination and