

THE DEPARTMENT AND NOTIFY THE COURT AND STATE'S ATTORNEY, IN WRITING, OF THIS REQUEST.

(2) THE PROVISIONS OF THIS TITLE GOVERNING ADMINISTRATIVE HEARING AND JUDICIAL DETERMINATION OF ELIGIBILITY FOR RELEASE APPLY TO ANY APPLICATION FOR RELEASE UNDER THIS SUBSECTION.

(C) JUDICIAL REVIEW.

(1) TO APPLY FOR RELEASE UNDER THIS SUBSECTION, THE COMMITTED INDIVIDUAL SHALL FILE A PETITION FOR RELEASE WITH THE COURT THAT ORDERED COMMITMENT.

(2) THE COMMITTED INDIVIDUAL SHALL SEND A COPY OF THE PETITION FOR RELEASE TO THE DEPARTMENT AND THE STATE'S ATTORNEY.

(3) IF THE COMMITTED INDIVIDUAL REQUESTS A TRIAL BY JURY, THE TRIAL SHALL BE HELD IN A CIRCUIT COURT WITH A JURY AS IN A CIVIL ACTION AT LAW.

(4) THE TRIER OF FACT SHALL:

(I) DETERMINE WHETHER THE COMMITTED INDIVIDUAL HAS PROVED ELIGIBILITY FOR RELEASE BY A PREPONDERANCE OF THE EVIDENCE; AND

(II) RENDER A VERDICT FOR:

1. CONTINUED COMMITMENT;
2. CONDITIONAL RELEASE; OR
3. DISCHARGE FROM COMMITMENT.

(5) IF THE COURT RENDERS A VERDICT FOR CONDITIONAL RELEASE, WITHIN 30 DAYS AFTER THE VERDICT THE COURT SHALL RELEASE THE COMMITTED INDIVIDUAL UNDER CONDITIONS IT IMPOSES IN ACCORDANCE WITH SPECIFIC RECOMMENDATIONS FOR CONDITIONS UNDER § 12-115(B) OF THIS TITLE.

(D) APPEALS.

(1) AN APPEAL FROM A DISTRICT COURT ORDER SHALL BE ON THE RECORD IN THE CIRCUIT COURT.

(2) AN APPEAL FROM A CIRCUIT COURT ORDER SHALL BE BY APPLICATION FOR LEAVE TO APPEAL TO THE COURT OF SPECIAL APPEALS.

TASK FORCE COMMENT TO § 12-118.

This section replaces former Health - General Article, § 12-114, "Application for release". The only substantive changes recommended by the Governor's Task Force to Review the Defense of Insanity are as follows.