

In subsection (a)(2) of this section, a new provision is added to require that the affidavit that enables a committed individual to have a release hearing earlier than otherwise provided is one made by either a physician or licensed psychologist. Formerly anyone, other than another patient, could make this affidavit. Note that "licensed psychologist" is defined in the Health - Occupations Article to mean "a psychologist who is licensed by the Board (State Board of Examiners of Psychologists) to practice psychology".

In subsection (c)(1) of this section, the defined term "court", meaning the court that has criminal jurisdiction, is substituted for the former term "equity court" for consistency with the procedure in this title for other release and revocation hearings. In keeping with this change, the phrase "in a circuit court" is added to subsection (c)(3) to make clear that if the court with criminal jurisdiction is a district court, the case shall be certified to the circuit court if the committed individual requests a jury trial.

In subsection (c)(2) of this section, a requirement that a copy of the application be sent to the Department, is added as means of notification of the application for release.

In subsection (c)(5) of this section, in light of other changes made in this title, a new provision clarifies that the court considers the recommendations as to the terms of a conditional release in accordance with § 12-115(b) of this title which provides substantial input from the Department and committed individual.

Subsection (d) of this section is a new provision added for clarity and conforms to appeal provisions in similar sections providing judicial review.

12-119. DEPARTMENT APPLICATION FOR CONDITIONAL RELEASE.

(A) APPLICATION REQUIRED.

(1) IF AT ANY TIME THE DEPARTMENT CONSIDERS A COMMITTED INDIVIDUAL IS ELIGIBLE FOR CONDITIONAL RELEASE, THE DEPARTMENT MAY APPLY FOR THE CONDITIONAL RELEASE TO THE COURT THAT COMMITTED THE INDIVIDUAL.

(2) THE DEPARTMENT SHALL SEND A COPY OF THE APPLICATION FOR CONDITIONAL RELEASE:

(I) TO THE COMMITTED INDIVIDUAL;

(II) TO COUNSEL FOR THE COMMITTED INDIVIDUAL;

AND