

(III) TO THE STATE'S ATTORNEY, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

(B) JUDICIAL DETERMINATION.

WITHIN 30 DAYS AFTER RECEIPT OF THE DEPARTMENT'S APPLICATION, THE COURT SHALL ISSUE AN ORDER THAT IS IN ACCORDANCE WITH THE PROVISIONS OF § 12-113 OF THIS TITLE FOR:

(1) CONTINUED COMMITMENT; OR

(2) CONDITIONAL RELEASE UNDER THE CONDITIONS IT IMPOSES AFTER GIVING CONSIDERATION TO THE RECOMMENDATIONS OF SPECIFIC CONDITIONS FROM THE DEPARTMENT.

(C) REVOCATION AND OTHER CHANGES IN ORDER.

IF THE COURT ORDERS A CONDITIONAL RELEASE OF THE COMMITTED INDIVIDUAL UNDER THIS SECTION, THE COMMITTED INDIVIDUAL, THE STATE'S ATTORNEY, OR THE DEPARTMENT MAY APPLY FOR A REVOCATION, CHANGE, OR EXTENSION UNDER § 12-121 OF THIS TITLE.

(D) APPEAL.

(1) AN APPEAL FROM A DISTRICT COURT ORDER SHALL BE ON THE RECORD IN 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 § 12-119.

This section replaces former Health - General Article, § 12-116, "Department application for conditional release; recommittal". The Governor's Task Force to Review the Defense of Insanity recommends only the following substantive changes.

In subsection (a)(1) of this section, the phrase "at any time" is substituted for the former prohibition of applications for release during the first 90 days. this change is in light of other changes made by this title that give the Department more control over release of committed individuals.

The former reference in former § 12-116 to the committed individual being one who was found "not guilty because the individual was insane" is deleted in light of the new form of verdict "not criminally responsible", provided by this title.

In subsection (a)(2) of this section, in addition to sending copies of an application for release to the State's Attorney, the Department is required to send a copy to the committed individual and counsel.