

In subsection (b) of this section, to clarify procedure, a 30-day time frame is added within which the court issues an order in response to the Department's application.

Also in subsection (b) of this section, the phrase "that is in accordance with the provision of § 12-113 of this title" is added to make clear that the court may not deny an application if the release criteria provided by this title have been established.

12-120. REVOCATION AND OTHER CHANGES IN CONDITIONAL RELEASE.

(A) ACTION BY STATE'S ATTORNEY ON RECEIPT OF REPORT.

(1) IF THE STATE'S ATTORNEY RECEIVES A REPORT THAT ALLEGES THAT A COMMITTED INDIVIDUAL HAS VIOLATED A CONDITION OF A CONDITIONAL RELEASE, OR IF THE STATE'S ATTORNEY IS NOTIFIED BY THE COURT OR DEPARTMENT UNDER SUBSECTION (B) OF THIS SECTION, THE STATE'S ATTORNEY SHALL DETERMINE WHETHER THERE IS A FACTUAL BASIS FOR THE COMPLAINT.

(2) IF THE STATE'S ATTORNEY DETERMINES THAT THERE IS NO FACTUAL BASIS FOR THE COMPLAINT, THE STATE'S ATTORNEY SHALL NOTIFY THE PERSON WHO MADE THE REPORT AND TAKE NO FURTHER ACTION.

(3) IF THE STATE'S ATTORNEY DETERMINES THAT THERE IS A FACTUAL BASIS TO BELIEVE THAT THE COMMITTED INDIVIDUAL HAS VIOLATED THE TERMS OF A CONDITIONAL RELEASE AND BELIEVES FURTHER ACTION BY THE COURT IS NECESSARY, THE STATE'S ATTORNEY PROMPTLY SHALL:

(I) NOTIFY THE DEPARTMENT OF THE ALLEGED VIOLATION; AND

(II) FILE WITH THE COURT A PETITION FOR REVOCATION OR MODIFICATION OF CONDITIONAL RELEASE AND SEND A COPY OF THE PETITION TO THE DEPARTMENT.

(B) ACTION BY COURT AND DEPARTMENT ON RECEIPT OF REPORT.

(1) IF A COURT RECEIVES A REPORT THAT ALLEGES THAT A COMMITTED INDIVIDUAL HAS VIOLATED A CONDITION OF A CONDITIONAL RELEASE, THE COURT PROMPTLY SHALL:

(I) NOTIFY THE DEPARTMENT; AND

(II) NOTIFY THE STATE'S ATTORNEY AND PROVIDE THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON WHO REPORTED THE VIOLATION AND A COPY OF THE ORDER FOR CONDITIONAL RELEASE.

(2) IF THE DEPARTMENT RECEIVES A REPORT THAT ALLEGES THAT A COMMITTED INDIVIDUAL HAS VIOLATED CONDITIONAL RELEASE, THE DEPARTMENT SHALL: