

New procedures are established in the balance of this section to provide for court review and court action on the hearing officer's determination report as to revocation of the conditional release. A new provision provides the right of appeal from a court order.

Subsection (j) of this section is a new provision added for consistency with the recommendation of the Task Force to record and track in the central criminal information computer, information about individuals found not criminally responsible.

12-121. APPLICATION FOR CHANGE IN CONDITIONAL RELEASE.

(A) IN GENERAL.

(1) AN APPLICATION TO THE COURT FOR A CHANGE IN CONDITIONAL RELEASE OF A COMMITTED INDIVIDUAL MAY BE MADE:

(I) BY THE DEPARTMENT OR THE STATE'S ATTORNEY AT ANY TIME; OR

(II) BY THE COMMITTED INDIVIDUAL NOT EARLIER THAN 6 MONTHS AFTER THE COURT ORDERED THE CONDITIONAL RELEASE, UNLESS THE COURT FOR GOOD CAUSE PERMITS AN EARLIER APPLICATION.

(2) THE APPLICANT FOR A CHANGE IN CONDITIONAL RELEASE SHALL NOTIFY THE COURT AND OTHER PARTIES, IN WRITING, OF THE APPLICATION AND THE REASONS FOR THE REQUESTED CHANGE.

(B) BURDEN OF PROOF.

THE BURDEN OF PROOF OF ANY ISSUE RAISED BY THE APPLICATION FOR CHANGE IN CONDITIONAL RELEASE RESTS WITH THE APPLICANT.

(C) COURT ACTION ON APPLICATION.

AFTER THE COURT CONSIDERS THE APPLICATION FOR CHANGE IN CONDITIONAL RELEASE AND THE EVIDENCE, IN ACCORDANCE WITH § 12-113 OF THIS TITLE, THE COURT SHALL:

(1) CHANGE THE CONDITIONS;

(2) IMPOSE APPROPRIATE ADDITIONAL CONDITIONS;

(3) REVOKE THE CONDITIONAL RELEASE;

(4) CONTINUE THE PRESENT CONDITIONS OF RELEASE; OR

(5) EXTEND THE CONDITIONAL RELEASE BY AN ADDITIONAL TERM OF 5 YEARS.

(D) SUBSEQUENT APPLICATION FOR CHANGE.