

(1) NOT EARLIER THAN 1 YEAR AFTER THE COURT ACTION ON THE APPLICATION FOR CHANGE FILED BY THE COMMITTED INDIVIDUAL, AND NOT MORE THAN ONCE A YEAR THEREAFTER, A COMMITTED INDIVIDUAL MAY REAPPLY FOR A CHANGE IN CONDITIONAL RELEASE.

(2) NOTWITHSTANDING THE TIME RESTRICTIONS IN PARAGRAPH (1) OF THIS SUBSECTION, A COMMITTED INDIVIDUAL MAY APPLY FOR A CHANGE IN CONDITIONAL RELEASE AT ANY TIME IF THE APPLICATION IS ACCOMPANIED BY AN AFFIDAVIT OF A PHYSICIAN OR LICENSED PSYCHOLOGIST THAT STATES AN IMPROVEMENT IN THE MENTAL CONDITION OF THE COMMITTED INDIVIDUAL.

TASK FORCE COMMENT TO § 12-121.

This section replaces former Health - General Article, § 12-115(f). Changes recommended by the Governor's Task Force to Review the Defense of Insanity are as follows.

In subsection (a)(1)(ii) of this section, the restriction is retained that the committed individual may not apply earlier than 6 months after commencement of a conditional release; however, a new provision permits earlier application if the court approves.

Subsection (b) of this section is a new provision added to clarify that the burden of proof rests with the applicant.

In subsection (c) of this section, the phrase "court shall" is substituted for "court may" to clarify that the court is required to take one of the 5 specified actions if an application is appropriately made.

The provision that the court may "extend the conditional release by an additional term of 5 years" is added to clarify that the court may extend the conditional release.

In subsection (d)(2) of this section, the affidavit that accompanies an application for change that does not conform to the 1 year restriction must be made by a physician or licensed psychologist. This conforms to changes made to the qualified affidavit in similar provisions. See § 12-118 and its Task Force Comment.

Article 27 - Crimes and Punishments

139. Escaping from penitentiary, jail, reformatory, etc., or from Drug Abuse Administration; expenses incurred in return; aiding escape.

(a) (1) If any individual who is legally detained in the State penitentiary or a jail, house of correction, reformatory, station house, or other place of confinement in this State or who is committed to the Drug Abuse Administration for examination or inpatient treatment escapes, the individual is guilty of a felony and on conviction by the circuit court for the county in which