

(C)--IF AN INDIVIDUAL WHO IS TRANSFERRED UNDER THIS SECTION VIOLATES ANY CONDITION OF TRANSFER, THE ADMINISTRATION MAY CERTIFY TO THE COURT THAT ORDERED COMMITMENT THAT THE INDIVIDUAL CANNOT BENEFIT FROM CONTINUED CARE AND TREATMENT IN OUTPATIENT CARE AND REQUEST DISPOSITION BY THE COURT.

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(A)--NOT EARLIER THAN ONE YEAR AFTER THE INITIAL COMMITMENT TO THE ADMINISTRATION, AND NOT MORE THAN ONCE A YEAR THEREAFTER, A COMMITTED INDIVIDUAL MAY PETITION THE COURT FOR RELEASE UNDER SUBSECTION (B) OF THIS SECTION.

(B)-(1)--A COMMITTED INDIVIDUAL IS ELIGIBLE FOR CONTINUED COMMITMENT ONLY IF THE INDIVIDUAL:

(I)--IS A DRUG ABUSER IF COMMITMENT WAS UNDER PART II, OR HAS A DRUG ADDICTION IF COMMITMENT WAS UNDER PART III;

(II)--NEEDS CARE, SUPERVISION, AND TREATMENT BECAUSE OF DRUG ABUSE IF UNDER PART II OR BECAUSE OF DRUG ADDICTION IF UNDER PART III; AND

(III)--UNLESS THE COMMITMENT IS VOLUNTARY, PRESENTS A DANGER TO THE LIFE OR SAFETY OF THE INDIVIDUAL OR ANOTHER.

(2)--TO APPLY FOR RELEASE, THE COMMITTED INDIVIDUAL SHALL FILE A PETITION FOR RELEASE WITH THE COURT THAT ORDERED COMMITMENT.

(3)--THE COMMITTED INDIVIDUAL SHALL SEND A COPY OF THE PETITION FOR RELEASE TO THE LOCAL STATE'S ATTORNEY AND TO THE ADMINISTRATION.

(4)--THE COURT SHALL:

(I)--AFTER HOLDING A HEARING, DETERMINE WHETHER THE STATE HAS SHOWN BY CLEAR AND CONVINCING EVIDENCE THAT THE INDIVIDUAL CONTINUES TO BE ELIGIBLE FOR COMMITMENT.

(II)--RENDER A DECISION FOR:

1.--CONTINUED COMMITMENT; OR

2.--DISCHARGE FROM COMMITMENT.

(5)-(I)--AN APPEAL FROM A DISTRICT COURT ORDER SHALL BE ON THE RECORD IN THE CIRCUIT COURT.