

3-112. SAME — COMMITMENT.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AFTER A VERDICT OF NOT CRIMINALLY RESPONSIBLE, THE COURT IMMEDIATELY SHALL COMMIT THE DEFENDANT TO THE HEALTH DEPARTMENT FOR INSTITUTIONAL INPATIENT CARE OR TREATMENT.

(B) RETARDED DEFENDANT.

IF THE COURT COMMITS A DEFENDANT WHO WAS FOUND NOT CRIMINALLY RESPONSIBLE PRIMARILY BECAUSE OF MENTAL RETARDATION, THE HEALTH DEPARTMENT SHALL DESIGNATE A FACILITY FOR MENTALLY RETARDED PERSONS FOR CARE AND TREATMENT OF THE COMMITTED PERSON.

(C) RELEASE.

AFTER A VERDICT OF NOT CRIMINALLY RESPONSIBLE, A COURT MAY ORDER THAT A PERSON BE RELEASED, WITH OR WITHOUT CONDITIONS, INSTEAD OF COMMITTED TO THE HEALTH DEPARTMENT, BUT ONLY IF:

(1) THE COURT HAS AVAILABLE AN EVALUATION REPORT WITHIN 90 DAYS PRECEDING THE VERDICT MADE BY AN EVALUATING FACILITY DESIGNATED BY THE HEALTH DEPARTMENT;

(2) THE REPORT INDICATES THAT THE PERSON WOULD NOT BE A DANGER, AS A RESULT OF MENTAL RETARDATION OR MENTAL DISORDER, TO SELF OR TO THE PERSON OR PROPERTY OF OTHERS IF RELEASED, WITH OR WITHOUT CONDITION; AND

(3) THE PERSON AND THE STATE'S ATTORNEY AGREE TO THE RELEASE AND TO ANY CONDITIONS FOR RELEASE THAT THE COURT IMPOSES.

(D) NOTIFICATION OF CENTRAL REPOSITORY.

THE COURT SHALL NOTIFY THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF EACH PERSON IT ORDERS COMMITTED UNDER THIS SECTION.

REVISOR'S NOTE: This section formerly was HG § 12-111.

In subsection (d) of this section, the reference to "Criminal Justice Information System Central Repository" is substituted for the former reference to "central repository of the criminal justice information system" to conform to the terminology used in Title 10, Subtitle 2 of this article.

The only other changes are in style.

Defined terms: "Committed person" § 3-101

"Court" § 3-101

"Health Department" § 3-101

"Mental disorder" § 3-101