(2)   If an outpatient examination is authorized, shall set bail for the defendant or authorize the release of the defendant on personal recognizance.

(c)   (1)   If a defendant is to be held in custody for examination under this section:

(i)   The defendant may be confined in a detention facility until the [Department] LOCAL DESIGNEE OF THE DEPARTMENT is able to conduct the examination; or

(ii)   The court may order confinement of the defendant in a medical wing or other isolated and secure unit of a detention facility, if the court finds it appropriate for the health or safety of the defendant.

(2)   (i)   If the court finds that, because of the apparent severity of the alcohol or drug dependency or other medical or psychiatric complications, a defendant in custody would be endangered by confinement in a jail, the court may order the Department, THROUGH ITS LOCAL DESIGNEE, to either:

1.   Place the defendant, pending examination, in [a] AN APPROPRIATE health care facility [that the Department designates as appropriate]; or

2.   [Have local health department staff, or other qualified personnel who the Department finds appropriate, immediately] IMMEDIATELY conduct an evaluation of the defendant.

(ii)   Unless the Department OR ITS LOCAL DESIGNEE retains a defendant, the defendant shall be promptly returned to the court after an examination.

[(iii) A defendant who is detained for an examination under this section may question at any time the legality of the detention by a petition for a writ of habeas corpus.]

(d)   (1)   If a court orders an evaluation under this section, the evaluator shall:

(i)   Conduct an evaluation of the defendant; and

(ii)   Submit a complete report of the evaluation within 7 days to the:

1.   Court;

2.   Administration DEPARTMENT; and

3.   Defendant or the defendant's attorney.

(2)   On good cause shown, the A court may extend the time for an evaluation UNDER THIS SECTION.

(3)   WHENEVER AN EVALUATOR RECOMMENDS TREATMENT, THE EVALUATOR'S REPORT SHALL: