

~~ORDERED FOR EVALUATION UNDER THIS SECTION REMAINS IN THE LEGAL CUSTODY OF THE COURT OR THE APPROPRIATE PRETRIAL RELEASE AGENCY OR CORRECTIONAL FACILITY.~~

~~(H) A DEFENDANT WHO HAS NOT BEEN RELEASED PRIOR TO TRIAL UNDER MARYLAND RULE 4-216 SHALL BE EVALUATED IN A SECURE FACILITY.~~

~~(3) IF AN APPROPRIATE EVALUATION FACILITY IS NOT AVAILABLE UNDER PARAGRAPH (1)(H) OF THIS SUBSECTION:~~

~~(I) THE COURT MAY NOT REQUIRE THE DEPARTMENT OR A LOCAL DESIGNEE OF THE DEPARTMENT TO TAKE CUSTODY OF THE DEFENDANT;~~

~~(II) A DEFENDANT SHALL BE HELD IN CUSTODY OR RELEASED ACCORDING TO LAW AS ORDERED BY THE COURT, AND~~

~~(III) THE DEPARTMENT OR A LOCAL DESIGNEE OF THE DEPARTMENT SHALL PRESENT TO THE COURT A DATE BY WHICH THE EVALUATION CAN BE CONDUCTED AND SHALL PROMPTLY NOTIFY THE COURT WHEN AN APPROPRIATE EVALUATION FACILITY BECOMES AVAILABLE.~~

~~(b) The Department, ANOTHER FACILITY APPROVED BY THE DEPARTMENT, OR A LOCAL DESIGNEE OF THE DEPARTMENT, shall provide the services required by this section.~~

~~(e) The Department OR A LOCAL DESIGNEE OF THE DEPARTMENT shall have the obligation to [engage in reasonable efforts to] facilitate the PROMPT admission of a defendant to an appropriate evaluation facility.~~

~~(d) [Unless the court allows the defendant to provide the defendant's own transportation, on commitment or release of a defendant under this subtitle, the] THE court shall [order]:~~

~~(1) ORDER transportation OF THE DEFENDANT TO AN EVALUATION by law enforcement officials, detention center staff, DIVISION OF CORRECTION STAFF, or sheriff's department staff within the local jurisdiction; AND~~

~~(2) PROVIDE FOR THE RETURN OF THE DEFENDANT TO A DESIGNATED LOCATION ON COMPLETION OF THE EVALUATION.~~

~~(e) (1) A [commitment] COURT ORDER FOR AN EVALUATION under this section shall not [be] REQUIRE AN EVALUATION for more than 7 days unless the medical condition of a defendant warrants an extension of a maximum of 14 days.~~

~~(2) Except during the first 72 hours after [commitment] ADMISSION, the Director or a designee of the Director, INCLUDING A LOCAL DESIGNEE OF THE DEPARTMENT, may terminate the [commitment] EVALUATION if the Director or the designee determines that continued [commitment] EVALUATION:~~

~~(i) Is not in the best interest of an individual; or~~

~~(ii) Does not serve any useful purpose.~~