

IF, BEFORE OR DURING A TRIAL, THE DEFENDANT IN A CRIMINAL CASE APPEARS TO THE COURT TO BE INCOMPETENT TO STAND TRIAL OR THE DEFENDANT ALLEGES INCOMPETENCE TO STAND TRIAL, THE COURT SHALL DETERMINE, ON EVIDENCE PRESENTED ON THE RECORD, WHETHER THE DEFENDANT IS INCOMPETENT TO STAND TRIAL.

(B) COURT ACTION IF DEFENDANT FOUND COMPETENT.

IF, AFTER RECEIVING EVIDENCE, THE COURT FINDS THAT THE DEFENDANT IS COMPETENT TO STAND TRIAL, THE TRIAL SHALL BEGIN AS SOON AS PRACTICABLE OR, IF ALREADY BEGUN, SHALL CONTINUE.

(C) RECONSIDERATION.

AT ANY TIME DURING THE TRIAL AND BEFORE VERDICT, THE COURT MAY RECONSIDER THE QUESTION OF WHETHER THE DEFENDANT IS INCOMPETENT TO STAND TRIAL.

REVISOR'S NOTE: This section formerly was HG §.12-103.

No changes are made.

Defined terms: "Court" § 3-101

"Incompetent to stand trial" § 3-101

3-105. EXAMINATION OF DEFENDANT BY HEALTH DEPARTMENT.

(A) IN GENERAL.

(1) FOR GOOD CAUSE AND AFTER GIVING THE DEFENDANT AN OPPORTUNITY TO BE HEARD, THE COURT MAY ORDER THE HEALTH DEPARTMENT TO EXAMINE THE DEFENDANT TO DETERMINE WHETHER THE DEFENDANT IS INCOMPETENT TO STAND TRIAL.

(2) THE COURT SHALL SET AND MAY CHANGE THE CONDITIONS UNDER WHICH THE EXAMINATION IS TO BE MADE.

(B) RELEASE FOR EXAMINATION.

EXCEPT IN A CAPITAL CASE, ON CONSIDERATION OF THE NATURE OF THE CHARGE, THE COURT:

(1) MAY REQUIRE OR ALLOW THE EXAMINATION TO BE DONE ON AN OUTPATIENT BASIS; AND

(2) IF AN OUTPATIENT EXAMINATION IS AUTHORIZED, SHALL SET BAIL FOR THE DEFENDANT OR AUTHORIZE RELEASE OF THE DEFENDANT ON RECOGNIZANCE.

(C) CONFINEMENT BEFORE AND DURING EXAMINATION; HABEAS CORPUS.

(1) IF A DEFENDANT IS TO BE HELD IN CUSTODY FOR EXAMINATION UNDER THIS SECTION, THE DEFENDANT MAY BE CONFINED IN A CORRECTIONAL FACILITY UNTIL THE HEALTH DEPARTMENT CAN CONDUCT THE EXAMINATION. IF