

RETARDATION OR MENTAL DISORDER, THE DEFENDANT WOULD BE A DANGER TO SELF OR THE PERSON OR PROPERTY OF ANOTHER, IF RELEASED.

REVISOR'S NOTE: This section formerly was HG § 12-104.

The only changes are in style.

Defined terms: "Correctional facility" § 1-101

"Court" § 3-101

"Health Department" § 3-101

"Incompetent to stand trial" § 3-101

"Person" § 1-101

3-106. FINDING OF INCOMPETENCY.

(A) RELEASE.

EXCEPT IN A CAPITAL CASE, IF, AFTER A HEARING, THE COURT FINDS THAT THE DEFENDANT IS INCOMPETENT TO STAND TRIAL BUT IS NOT DANGEROUS, AS A RESULT OF A MENTAL DISORDER OR MENTAL RETARDATION, TO SELF OR THE PERSON OR PROPERTY OF OTHERS, THE COURT MAY SET BAIL FOR THE DEFENDANT OR AUTHORIZE RELEASE OF THE DEFENDANT ON RECOGNIZANCE.

(B) COMMITMENT.

(1) IF, AFTER A HEARING, THE COURT FINDS THAT THE DEFENDANT IS INCOMPETENT TO STAND TRIAL AND, BECAUSE OF MENTAL RETARDATION OR A MENTAL DISORDER, IS A DANGER TO SELF OR THE PERSON OR PROPERTY OF ANOTHER, THE COURT MAY ORDER THE DEFENDANT COMMITTED TO THE FACILITY THAT THE HEALTH DEPARTMENT DESIGNATES UNTIL THE COURT IS SATISFIED THAT THE DEFENDANT NO LONGER IS INCOMPETENT TO STAND TRIAL OR NO LONGER IS, BECAUSE OF MENTAL RETARDATION OR A MENTAL DISORDER, A DANGER TO SELF OR THE PERSON OR PROPERTY OF OTHERS.

(2) IF A COURT COMMITS THE DEFENDANT BECAUSE OF MENTAL RETARDATION, THE HEALTH DEPARTMENT SHALL REQUIRE THE DEVELOPMENTAL DISABILITIES ADMINISTRATION TO PROVIDE THE CARE OR TREATMENT THAT THE DEFENDANT NEEDS.

(C) RECONSIDERATION.

(1) ON SUGGESTION OF THE DEFENDANT OR ON ITS INITIATIVE AND SUBJECT TO THE LIMITATIONS ON FREQUENCY IN § 7-507 OR § 10-805 OF THE HEALTH - GENERAL ARTICLE, AS THE CASE MAY BE, THE COURT MAY RECONSIDER WHETHER THE DEFENDANT IS INCOMPETENT TO STAND TRIAL.

(2) IF THE COURT ORDERS COMMITMENT UNDER SUBSECTION (B) OF THIS SECTION, THE DEFENDANT MAY APPLY FOR RELEASE UNDER § 7-507 OR § 10-805 OF THE HEALTH - GENERAL ARTICLE. IN COMPUTING THE AVAILABILITY OF REVIEW UNDER THOSE SECTIONS, AS THE CASE MAY BE, THE DATE OF THE COMMITMENT ORDER SHALL BE TREATED AS A HEARING.

(D) OTHER LEGAL QUESTIONS.