

(1) IF A DEFENDANT IS TO BE HELD IN CUSTODY FOR EXAMINATION UNDER THIS SECTION, THE DEFENDANT SHALL BE CONFINED IN A CORRECTIONAL FACILITY UNTIL THE HEALTH DEPARTMENT CAN DO THE EXAMINATION. IF THE COURT FINDS IT APPROPRIATE FOR THE HEALTH OR SAFETY OF THE DEFENDANT, THE COURT MAY ORDER CONFINEMENT:

(I) IN A MEDICAL WING OR OTHER ISOLATED AND SECURE UNIT OF THE CORRECTIONAL FACILITY; OR

(II) IF A MEDICAL WING OR OTHER SECURE UNIT IS NOT AVAILABLE, IN A MEDICAL FACILITY THAT THE SECRETARY OF THE HEALTH DEPARTMENT DESIGNATES AS APPROPRIATE.

(2) (I) WHEN THE HEALTH DEPARTMENT CAN DO THE EXAMINATION, A COURT UNIT SHALL TAKE THE DEFENDANT TO THE EVALUATION FACILITY THAT THE HEALTH DEPARTMENT DESIGNATES.

(II) AFTER THE EXAMINATION, UNLESS THE HEALTH DEPARTMENT RETAINS THE DEFENDANT, A COURT UNIT SHALL RETURN THE DEFENDANT TO THE PLACE OF CONFINEMENT.

(C) REPORT.

IF A COURT ORDERS AN EXAMINATION UNDER THIS SECTION:

(1) THE HEALTH DEPARTMENT SHALL:

(I) EXAMINE THE DEFENDANT; AND

(II) SEND A REPORT OF ITS OPINIONS TO THE COURT, THE STATE'S ATTORNEY, THE DEFENDANT, AND THE DEFENSE COUNSEL;

(2) THE DEFENDANT IS ENTITLED TO HAVE THE REPORT WITHIN 60 DAYS AFTER THE COURT ORDERS THE EXAMINATION. HOWEVER, FAILURE OF THE HEALTH DEPARTMENT TO SEND THE COMPLETE REPORT WITHIN THAT TIME IS NOT, OF ITSELF, GROUNDS FOR DISMISSAL OF THE CHARGES; AND

(3) FOR GOOD CAUSE SHOWN, THE COURT MAY EXTEND THE TIME FOR EXAMINATION OR ORDER AN ADDITIONAL EXAMINATION.

REVISOR'S NOTE: This section formerly was HG § 12-110.

In subsection (b)(2) of this section, the references to "unit" are substituted for the former references to "agency" to conform to the terminology used throughout this article.

The only other changes are in style.

Defined terms: "Correctional facility" § 1-101

"Court" § 3-101

"Health Department" § 3-101