

(B) DISCHARGE.

A COMMITTED PERSON IS ELIGIBLE FOR DISCHARGE FROM COMMITMENT ONLY IF THAT PERSON WOULD NOT BE A DANGER, AS A RESULT OF MENTAL DISORDER OR MENTAL RETARDATION, TO SELF OR TO THE PERSON OR PROPERTY OF OTHERS IF DISCHARGED.

(C) CONDITIONAL RELEASE.

A COMMITTED PERSON IS ELIGIBLE FOR CONDITIONAL RELEASE FROM COMMITMENT ONLY IF THAT PERSON WOULD NOT BE A DANGER, AS A RESULT OF MENTAL DISORDER OR MENTAL RETARDATION, TO SELF OR TO THE PERSON OR PROPERTY OF OTHERS IF RELEASED FROM CONFINEMENT WITH CONDITIONS IMPOSED BY THE COURT.

(D) BURDEN OF PROOF.

TO BE RELEASED, A COMMITTED PERSON HAS THE BURDEN TO ESTABLISH BY A PREPONDERANCE OF THE EVIDENCE ELIGIBILITY FOR DISCHARGE OR ELIGIBILITY FOR CONDITIONAL RELEASE.

REVISOR'S NOTE: This section formerly was HG § 12-113.

The only changes are in style.

Defined terms: "Committed person" § 3-101

"Court" § 3-101

"Mental disorder" § 3-101

3-115. RELEASE HEARING.

(A) WHEN REQUIRED.

WITHIN 50 DAYS AFTER COMMITMENT TO THE HEALTH DEPARTMENT UNDER § 3-112 OF THIS TITLE, A HEARING OFFICER OF THE HEALTH DEPARTMENT SHALL HOLD A HEARING TO CONSIDER ANY RELEVANT INFORMATION THAT WILL ENABLE THE HEARING OFFICER TO MAKE RECOMMENDATIONS TO THE COURT AS TO WHETHER THE COMMITTED PERSON IS ELIGIBLE FOR RELEASE UNDER § 3-114 OF THIS TITLE.

(B) POSTPONEMENT OR WAIVER.

(1) THE RELEASE HEARING MAY BE POSTPONED FOR GOOD CAUSE OR BY AGREEMENT OF THE COMMITTED PERSON AND THE HEALTH DEPARTMENT.

(2) THE COMMITTED PERSON MAY WAIVE THE RELEASE HEARING.

(C) EVALUATION AND REPORT.

(1) UNLESS THE HEALTH DEPARTMENT HAS COMPLETED AN EXAMINATION AND REPORT DURING THE 90 DAYS PRECEDING THE RELEASE HEARING, AT LEAST 7 DAYS BEFORE THE RELEASE HEARING IS SCHEDULED, THE HEALTH DEPARTMENT SHALL COMPLETE AN EXAMINATION AND EVALUATION OF THE COMMITTED PERSON.