

(2) CONDITIONAL RELEASE UNDER THE CONDITIONS IT IMPOSES AFTER GIVING CONSIDERATION TO THE RECOMMENDATIONS OF SPECIFIC CONDITIONS FROM THE HEALTH DEPARTMENT.

(C) APPLICATION FOR CHANGE IN CONDITIONAL RELEASE.

IF THE COURT ORDERS A CONDITIONAL RELEASE OF THE COMMITTED PERSON UNDER THIS SECTION, THE COMMITTED PERSON, THE STATE'S ATTORNEY, OR THE HEALTH DEPARTMENT MAY APPLY FOR A REVOCATION, CHANGE, OR EXTENSION UNDER § 3-122 OF THIS TITLE.

(D) APPEALS.

(1) AN APPEAL FROM A DISTRICT COURT ORDER SHALL BE ON THE RECORD IN CIRCUIT COURT.

(2) AN APPEAL FROM A CIRCUIT COURT ORDER SHALL BE BY APPLICATION FOR LEAVE TO APPEAL TO THE COURT OF SPECIAL APPEALS.

REVISOR'S NOTE: This section formerly was HG § 12-119.

The only changes are in style.

Defined terms: "Committed person" § 3-101

"Court" § 3-101

"Health Department" § 3-101

3-121. ALLEGATIONS OF VIOLATIONS OF CONDITIONAL RELEASE.

(A) DETERMINATION OF FACTUAL BASIS BY STATE'S ATTORNEY.

(1) IF THE STATE'S ATTORNEY RECEIVES A REPORT THAT ALLEGES THAT A COMMITTED PERSON HAS VIOLATED A CONDITION OF A CONDITIONAL RELEASE, OR IF THE STATE'S ATTORNEY IS NOTIFIED BY THE COURT OR HEALTH DEPARTMENT UNDER SUBSECTION (B) OF THIS SECTION, THE STATE'S ATTORNEY SHALL DETERMINE WHETHER THERE IS A FACTUAL BASIS FOR THE COMPLAINT.

(2) IF THE STATE'S ATTORNEY DETERMINES THAT THERE IS NO FACTUAL BASIS FOR THE COMPLAINT, THE STATE'S ATTORNEY SHALL NOTIFY THE PERSON WHO MADE THE REPORT AND TAKE NO FURTHER ACTION.

(3) IF THE STATE'S ATTORNEY DETERMINES THAT THERE IS A FACTUAL BASIS TO BELIEVE THAT THE COMMITTED PERSON HAS VIOLATED THE TERMS OF A CONDITIONAL RELEASE AND BELIEVES FURTHER ACTION BY THE COURT IS NECESSARY, THE STATE'S ATTORNEY PROMPTLY SHALL:

(I) NOTIFY THE HEALTH DEPARTMENT OF THE ALLEGED VIOLATION; AND

(II) FILE WITH THE COURT A PETITION FOR REVOCATION OR MODIFICATION OF CONDITIONAL RELEASE AND SEND A COPY OF THE PETITION TO THE HEALTH DEPARTMENT.

(B) ACTION BY COURT AND HEALTH DEPARTMENT.