

Article - Criminal Procedure

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§3-122.

(a) (1) An application to the court for a change in conditional release of a committed person may be made by:

(i) the Health Department or the State's Attorney at any time; or

(ii) the committed person not earlier than 6 months after the court ordered the conditional release, unless the court for good cause permits an earlier application.

(2) The applicant for a change in conditional release shall notify the court and other parties, in writing, of the application and the reasons for the requested change.

(b) The burden of proof of any issue raised by the application for change in conditional release rests with the applicant.

(c) After the court considers the application for change in conditional release and the evidence, in accordance with § 3-114 of this title, the court shall:

(1) change the conditions;

(2) impose appropriate additional conditions;

(3) revoke the conditional release;

(4) continue the present conditions of release; or

(5) extend the conditional release by an additional term of 5 years.

(d) (1) Not earlier than 1 year after the court action on the application for change filed by the committed person, and not more than once a year thereafter, a committed person may reapply for a change in conditional release.

(2) Notwithstanding the time restrictions in paragraph (1) of this subsection, a committed person may apply for a change in conditional release at any time if the application is accompanied by an affidavit of a physician or licensed psychologist that states an improvement in the mental condition of the committed person.

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