

1 (2) (i) If the court finds that, because of the apparent severity of the
2 alcohol or drug dependency or other medical or psychiatric complications, a defendant in
3 custody would be endangered by confinement in a jail, the court may order the Department
4 to either:

5 1. Place the defendant, pending examination, in an
6 appropriate health care facility; or

7 2. Immediately conduct an evaluation of the defendant.

8 (ii) Unless the Department retains a defendant, the defendant shall
9 be promptly returned to the court after an examination.

10 (iii) A defendant who is detained for an examination under this
11 section may question at any time the legality of the detention by a petition for a writ of habeas
12 corpus.

13 (d) (1) If a court orders an evaluation under this section, the evaluator shall:

14 (i) Conduct an evaluation of the defendant; and

15 (ii) Submit a complete report of the evaluation within 7 days to the:

16 1. Court;

17 2. Department; and

18 3. Defendant or the defendant's attorney.

19 (2) On good cause shown, a court may extend the time for an evaluation
20 under this section.

21 (3) Whenever an evaluator recommends treatment, the evaluator's report
22 shall:

23 (i) Name a specific program able to IMMEDIATELY provide the
24 recommended treatment; and

25 (ii) Give an actual or estimated date when the program can begin
26 treatment of the defendant.

27 (e) (1) The Department shall IMMEDIATELY provide the services required by
28 this section.

29 (2) A designee of the Department may carry out any of its duties under this
30 section [if appropriate funding is provided].