

10. (Petition for Review.) (a) **[Any person confined]** *After any person shall have been confined for two years as a defective delinquent under an indeterminate sentence in any institution for defective delinquents, he, or anyone in his behalf, including the Director or any officer or employee thereof, may file a petition in the circuit court for any county or in a court of law in Baltimore City* **LAW COURTS OF THE COUNTY, OR BALTIMORE CITY, AS THE CASE MAY BE, EITHER WHERE SUCH PERSON WAS ORIGINALLY SENTENCED, OR WHICH WAS THE BONA FIDE RESIDENCE OF THE PETITIONER AT THE TIME OF SUCH SENTENCE,** requesting that the person so confined be brought before said court for the purpose of having the defective delinquency of such person redetermined. **PROVIDED, HOWEVER, THAT IF THE LAW COURT OF THE COUNTY OR BALTIMORE CITY, AS THE CASE MAY BE, FROM WHICH HE WAS ORIGINALLY SENTENCED OR IN WHICH HE WAS A BONA FIDE RESIDENT AT THE TIME OF SUCH SENTENCE ARE ONE AND THE SAME, THE PETITIONER SHALL HAVE AN ABSOLUTE RIGHT TO FILE HIS PETITION IN THE LAW COURT OF ANY OTHER COUNTY OR IN BALTIMORE CITY.** The Court shall forthwith proceed to hear and determine the matter. If the person so confined, or anyone in his behalf, shall pray a jury trial, the court shall empanel a jury of twelve persons to be selected by the court from the jurors then in attendance upon said court; or if the court is in recess, the jurors shall be selected from those in attendance at the term of court at which said petition is heard. Any ~~part~~ **PARTY** in interest shall have the right to counsel and to process to compel the attendance of witnesses. If the court or jury, as the case may be, shall determine that such person is a defective delinquent, the court shall order said person recommitted to the institution from which he immediately came; otherwise he shall be discharged from such confinement and custody, or in the discretion of the Court committed under his original sentence, less such time as he has already served in the institution for defective delinquents or elsewhere within the custody of the Board of Correction **[.]**, *including such allowances (or disallowances) relating to good behavior and/or work performed as the Board of Correction may determine under the provisions of Section 776 of Article 27 of the Code (1951 Edition as amended from time to time).*

13.

(e) If the Institutional Board of Review as a result of its review and reexamination of any person believes that he has sufficiently improved to warrant his unconditional release from custody as a defective delinquent, it shall so inform whatever Court has jurisdiction over the person. The Court then shall make such further study of such person as seems necessary, and may at its discretion summon such person before it for a further hearing, together with any witnesses whose testimony may be pertinent and together with any relevant documents or other evidence. On the basis of such reports, study and possible hearing, the Court shall determine whether the person before it shall be released unconditionally from custody as a defective delinquent, released conditionally on a leave of absence or parole, returned to the custody of the Institution as a defective delinquent, or returned to the penal system under the Department of Correction, to serve the original sentence upon which he was committed prior to being classified as a defective delinquent, deducting from such original sentence the time which has been spent in the