

CHAPTER 158

(House Bill 299)

AN ACT to repeal and re-enact, with amendments, Sections 9(b)(5), 9(b)(6), 9(b)(7), and 9(d)(4) of Article 43B of the Annotated Code of Maryland (1969 Supplement), title "Comprehensive Drug Abuse Control and Rehabilitation Act," amending the comprehensive drug abuse control and rehabilitation laws of this State in order to make certain corrections in the language and references thereof.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Sections 9(b)(5), 9(b)(6), 9(b)(7), and 9(d)(4) of Article 43B of the Annotated Code of Maryland (1969 Supplement), title "Comprehensive Drug Abuse Control and Rehabilitation Act," be and the same are hereby repealed and re-enacted, with amendments, to read as follows:

9.

(b)(5) Upon the appearance of the alleged drug addict the court shall provide such alleged addict with a copy of any paper not yet served upon him and shall explain that, if the court finds reasonable grounds to believe that such person is a drug addict, it shall order him to undergo a medical examination at a facility designated by the Authority. The court shall then advise the alleged drug addict that if such medical examination is ordered he shall appear before the court after such examination as provided in subparagraph (iii) of subsection (b)(6) of this [subsection] section, and, if the petition and the report of medical examination set forth reasonable grounds to believe that he is a drug addict, he may thereafter be certified to the care and custody of the commission pursuant to subsection (e) of this section, and that he shall have a right to a hearing prior to such certification. If the alleged drug addict appears without counsel, the court shall advise him that he has the right to the aid of counsel at every stage of the proceedings and that if he desires the aid of counsel and is financially unable to obtain counsel, then counsel shall be assigned. The court shall allow the alleged drug addict a reasonable time to send for counsel and shall adjourn the proceedings for that purpose. The court shall inform the alleged addict, if he is being held in custody, that he is entitled to communicate free of charge by letter or telephone, in order to obtain counsel and in order to inform a relative or friend of the proceeding. If the alleged drug addict does not desire the aid of counsel, the court must determine that he waived counsel having knowledge of the significance of his act. If the court is not satisfied that the alleged drug addict knows the significance of his act in waiving counsel, the court shall assign counsel.

9.

(b)(6) If after such appearance of the alleged addict, (i) the court is satisfied that there are reasonable grounds to believe that such person is a drug addict it shall issue an order directing such person to appear on a specified date and place for a medical examination in accordance with subsection (c) of this section. A