

CHAPTER 184

(Senate Bill 9)

AN ACT to repeal and re-enact, with amendments, Sections 9(a) and 12(a) of Article 43B of the Annotated Code of Maryland (1971 Replacement Volume), title "Comprehensive Drug Abuse Control and Rehabilitation Act," to grant jurisdiction to the district courts to consider petitions for commitment to the care and custody of the Drug Abuse Authority, and to provide that the defendant's attorney OR STATE'S ATTORNEY may be ordered in certain cases to file the commitment petition if the convicted defendant desires commitment, and correcting certain errors therein.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Sections 9(a) and 12(a) of Article 43B of the Annotated Code of Maryland (1971 Replacement Volume), title "Comprehensive Drug Abuse Control and Rehabilitation Act," be and they are hereby repealed and re-enacted, with amendments, to read as follows:

9.

(a) A judge of the Supreme Bench of Baltimore City or of the circuit court of the various counties *or of the district court* who has jurisdiction within the judicial district where an alleged drug addict, as defined in this article, resides or where he may be found, may certify such drug addict in a civil proceeding to the care and custody of the Authority in the manner hereinafter provided; except that no person presently committed to the care and custody of the Authority under court order, and no person who has pending against him any criminal action or proceeding and no person presently confined in a correctional institution shall be certified to the Authority pursuant to this section.

12.

(a) Upon conviction of a defendant of any crime in any court of this State having competent jurisdiction, if it appears to the presiding judge by any reason that the defendant may be a drug addict, and the judge elects to proceed herein, [such] the judge shall adjourn the proceedings, suspend the imposition of sentence, and may order the State's attorney to file a petition in the *appropriate circuit or district court* [for that judicial district] instituting a civil proceeding for the commitment of the defendant to the care and custody of the Authority. *However, if the defendant notifies the presiding judge of his desire to be committed to the care and custody of the Authority, the judge may order the defendant's attorney OR STATE'S ATTORNEY to file the petition in the appropriate circuit or district court.* [However, no] No person may be eligible for commitment under this section if he is presently serving a sentence in a correctional institution, is awaiting sentencing on a conviction of a crime punishable by more than ten years imprisonment or death, except larceny, or has other criminal charges pending against him.

SEC. 2. *And be it further enacted,* That this Act shall take effect July 1, 1972.

Approved May 5, 1972.