

Approved May 21, 1973.

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CHAPTER 406

(Senate Bill 510)

AN ACT to repeal and re-enact, with amendments, Section 49 of Article 16 of the Annotated Code of Maryland (1966 Replacement Volume), title "Chancery," subtitle "Inebriates," and to repeal and re-enact, with amendments, Section 145(b)(9) of Article 26 of the Annotated Code of Maryland (1972 Supplement and 1972 Interim Supplement), title "Courts," subtitle "District Courts," to conform the provisions of Section 49 of Article 16 to the provisions of Section 145(b)(9) of Article 26 providing that a judge may commit an alcoholic or narcotic or drug addict to one of the State hospitals for certain purposes; requiring the committing judge to consult with the superintendent of the mental hospital prior to commitment; specifying the term of commitment; and generally relating to the commitment of alcoholics, narcotics and drug addicts to hospitals by judges in this State.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section 49 of Article 16 of the Annotated Code of Maryland (1966 Replacement Volume), title "Chancery," subtitle "Inebriates," is hereby repealed and re-enacted, with amendments, and that Section 145(b)(9) of Article 26 of the same Code (1972 Supplement and 1972 Interim Supplement), title "Courts," subtitle "District Courts," is hereby repealed and re-enacted, with amendments, and all to read as follows:

49.

When any person charged with the commission of a criminal offense is shown to the satisfaction of the judge before whom he is brought to be suffering from ~~[[acute or]]~~ chronic alcoholism, or who is habitually addicted to the use of narcotic drugs as that term is defined in Section 276 of Article 27 of this Code as amended from time to time, the ~~[said]~~ judge may commit him to one of the State hospitals for EVALUATION, treatment and observation, under ~~[such]~~ terms and conditions as he may determine ~~;~~ provided, that no such commitment shall be made except by one of the judges of the Supreme Bench of Baltimore City or of the circuit court for any county. ~~[[HOWEVER, AS TO A DEFENDANT SUFFERING FROM ACUTE OR CHRONIC ALCOHOLISM,]]~~ THE COMMITMENT SHALL BE FOR NOT LESS THAN 96 HOURS OR FOR MORE THAN SIX WEEKS. THE SUPERINTENDENT OF THE HOSPITAL OR OTHER FACILITY MAY TERMINATE THE COMMITMENT AT ANY TIME AFTER 96 HOURS UPON HIS DETERMINATION THAT FURTHER CONTINUED COMMITMENT WILL NOT BE IN THE BEST INTERESTS OF THE ~~[[ALCOHOLIC]]~~ PATIENT OR SERVE ANY USEFUL PURPOSE. In the case of a user of narcotic drugs, the commitment shall be made by the judge only after consultation with the superintendent of the mental hospital to which the commitment is to be made.

145.

(b)(9) Every District Court judge shall have the power and authority to commit persons suffering from ~~[[acute or]]~~ chronic alcoholism or who are habitually addicted to THE USE OF narcotic drugs, to one of the State hospitals for evaluation, treatment and observation under ~~[such]~~ terms and conditions as he