

FOR the purpose of establishing certain criteria before a judge or jury may certify a drug abuser or drug addict to the care and custody of the Drug Abuse Administration; altering the burden of proving that an individual is a drug addict or drug abuser; decreasing the time period between a commitment and the initial review of that commitment; requiring additional periodic review; and making this Act an emergency measure.

BY repealing and reenacting, with amendments,

Article 43B - Comprehensive Drug Abuse Control and
Rehabilitation Act
Section 9(a), (1)(2), and (n)(2), 12(a-1)(2) and (c)
Annotated Code of Maryland
(1980 Replacement Volume and 1980 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article 43B - Comprehensive Drug Abuse Control and
Rehabilitation Act

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 abuser OR ALLEGED DRUG ADDICT resides or may be found may certify the drug abuser OR DRUG ADDICT in a civil proceeding to the care and custody of the Administration as provided in this section[.], IF, AFTER ALL RELEVANT EVIDENCE AND TESTIMONY IS PRESENTED AND FOLLOWING SUMMATION AND ARGUMENT BY THE PARTIES, ON CONSIDERATION OF ALL THE EVIDENCE AND TESTIMONY OF RECORD, THE JUDGE FINDS THAT THE RECORD DEMONSTRATES BY CLEAR AND CONVINCING EVIDENCE THAT AT THE TIME OF THE HEARING EACH OF THE FOLLOWING ELEMENTS EXIST AS TO THE INDIVIDUAL WHOSE ADMISSION OR RETENTION IS SOUGHT:

(1) THE INDIVIDUAL IS A DRUG ABUSER OR DRUG ADDICT;

(2) THE INDIVIDUAL IS IN NEED OF CARE, SUPERVISION, AND TREATMENT BECAUSE OF HIS DRUG ABUSE OR DRUG ADDICTION;

(3) THE INDIVIDUAL PRESENTS A DANGER TO HIS OWN LIFE OR SAFETY OR THE LIFE OR SAFETY OF OTHERS; AND

(4) THERE IS NO LESS RESTRICTIVE FORM OF INTERVENTION AVAILABLE WHICH IS CONSISTENT WITH THE PERSON'S WELFARE AND SAFETY.