

Mental Health Laws - Conditional Release - Violation -
Judicial Review

FOR the purpose of providing a procedure for judicial review of a report of an alleged violation of a conditional release order under the mental health laws; providing that following a certain report, a State's Attorney make certain determinations and file a petition containing certain information with the court under certain circumstances; providing that the court conduct a hearing and act on certain petitions relating to revocation or modification of conditional release orders; generally relating to reports of alleged violation of conditional release under the mental health laws; and clarifying language.

BY repealing and reenacting, with amendments,

Article - Health - General
Section 12-115 and 12-116(d)
Annotated Code of Maryland
(As enacted by Chapter _____ (H.B. 200) of the
Acts of the General Assembly of 1982)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland (as enacted by Chapter _____ (H.B. 200) of the Acts of the General Assembly of 1982) read(s) as follows:

Article - Health - General

12-115.

(a) [(1) If a report is made to the court alleging that an individual has violated a release condition, the court may order attachment of the individual and shall hold a hearing.

(2) If, after the hearing, the court finds that the violation occurred, the court may change the conditions of release. However, the court may revoke the release order and commit the individual to the department for institutional, inpatient care or treatment only if the court also finds, on clear and convincing evidence, that the individual:

(i) Is mentally retarded or has a mental disorder; and

(ii) Because of mental retardation or a mental disorder, would be a danger to the individual or the person or property of another, if not confined.