

THE ADMINISTRATION IF:

(1) A MOTION FOR A TRIAL IS NOT MADE BY OR FOR THE PETITIONER; AND

(2) THE COURT FINDS, ON CLEAR AND CONVINCING EVIDENCE, THAT:

(I) THE PETITIONER IS A DRUG ABUSER;

(II) THE PETITIONER NEEDS CARE, SUPERVISION, AND TREATMENT BECAUSE OF THE DRUG ABUSE;

(III) THE PETITIONER PRESENTS A DANGER TO THE LIFE OR SAFETY OF THE PETITIONER OR ANOTHER; AND

(IV) THERE IS NO AVAILABLE LESS RESTRICTIVE FORM OF INTERVENTION THAT IS CONSISTENT WITH THE WELFARE AND SAFETY OF THE PETITIONER.

REVISOR'S NOTE: Subsections (a) through (c) of this section are new language derived without substantive change from former Article 43B, § 9(j) and (k) and the second sentence of (i).

Subsection (d) of this section is new language substituted for former Article 43B, § 9(1)(1). It reflects the substantive requirements of former Article 43B, § 9(a), as to findings before commitment.

Throughout this section, the former references to a "drug addict" are deleted as unnecessary in light of the use of the defined term "drug abuser", which includes a drug addict.

In subsection (c)(3)(ii) of this section, the phrase "may be committed" is substituted for "shall be certified to the care and custody of the Administration" to reflect that a finding that the petitioner is a drug abuser is not, of itself, sufficient for commitment. See subsection (d) of this section and § 9-616(c) of this subtitle.

As to subsection (c)(2) of this section, see §§ 9-605 and 9-607(b) of this subtitle.

Defined terms: "Administration" § 9-101
"Drug abuse" § 9-101 "Drug abuser" § 9-101

9-616. TRIAL.

(A) ORDER FOR TRIAL.