

(D) COMMITMENT ORDER.

THE COURT IMMEDIATELY SHALL COMMIT THE INDIVIDUAL TO THE ADMINISTRATION IF:

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

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

(I) THE INDIVIDUAL IS A DRUG ADDICT;

(II) THE INDIVIDUAL NEEDS CARE, SUPERVISION, AND TREATMENT BECAUSE OF THE DRUG ADDICTION;

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

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

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.

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 individual is a drug addict is not, of itself, sufficient for commitment. See subsection (d) of this section and § 9-626(c) of this subtitle.

Defined terms: "Administration" § 9-101
"Drug addict" § 9-101 "Drug addiction" § 9-101

9-626. TRIAL.

(A) ORDER FOR TRIAL.

(1) ON MOTION BY OR FOR THE INDIVIDUAL FOR WHOM COMMITMENT IS SOUGHT OR ON MOTION OF THE COURT, THE COURT SHALL ORDER A TRIAL ON THE COMMITMENT PETITION.