

IF IT APPEARS TO A COURT THAT A DEFENDANT WHO HAS BEEN CONVICTED OF, BUT NOT YET SENTENCED FOR A CRIME, MAY BE A DRUG ADDICT OR IF THE DEFENDANT NOTIFIES THE COURT OF A DESIRE TO BE COMMITTED TO THE ADMINISTRATION, THE COURT MAY ORDER THAT A PETITION FOR COMMITMENT BE MADE, AS PROVIDED IN PART IV OF THIS SUBTITLE.

(B) FILING; JURISDICTION.

(1) AS ORDERED BY THE COURT, A PETITION UNDER THIS SECTION SHALL BE FILED:

(I) IF THE DEFENDANT DESIRES COMMITMENT, BY THE STATE'S ATTORNEY OR THE DEFENSE COUNSEL; OR

(II) BY THE STATE'S ATTORNEY.

(2) THE COURT MAY KEEP JURISDICTION FOR PURPOSES OF THE COMMITMENT PROCEEDING OR ORDER THE FILING OF THE PETITION WITH ANY OTHER COURT OF COMPETENT JURISDICTION.

(C) EFFECT ON CRIMINAL PROCEEDING.

IF THE COURT ORDERS A COMMITMENT PETITION TO BE FILED, THE COURT SHALL SUSPEND THE IMPOSITION OF SENTENCE AND ADJOURN THE CRIMINAL PROCEEDING.

(D) ORDER FOR EXAMINATION.

AFTER THE COURT ADJOURNS THE CRIMINAL PROCEEDING, THE COURT SHALL ORDER THE ADMINISTRATION TO EXAMINE AND EVALUATE THE DEFENDANT TO DETERMINE WHETHER THE DEFENDANT IS:

(1) A DRUG ADDICT; AND

(2) AN APPROPRIATE INDIVIDUAL FOR REHABILITATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43B, § 12(a-1)(1) and (3) and the first and second sentences of (a).

In subsection (a) of this section, the defined term "Administration" is substituted for the obsolete reference to the former Drug Abuse Authority.

In subsection (b)(2) of this section, the former limitation "if the petition and the findings of the Administration are available" is deleted as meaningless, since the court orders preparation of these documents.

The Commission to Revise the Annotated Code