

In subsection (a)(1) of this section, the reference to examination of "the report of the Administration" is new language added to reflect that, under § 9-630 of this subtitle, the criminal court orders the examination. Thus, the provisions of former Article 43B, § 9(e) through (h) and the first sentence of (i) do not appear to apply to the proceedings under Part IV of this subtitle.

As to subsection (a)(2) of this section and the right to a jury trial, see revisor's note to § 9-612 of this subtitle.

Defined terms: "Administration" § 9-101
"Drug addict" § 9-101 "Person" § 1-101

9-633. TRIAL.

(A) CONDUCT OF TRIAL.

(1) THE TRIAL SHALL BE HELD AT THE TIME AND PLACE STATED IN THE ORDER, UNLESS LATER CHANGED BY THE COURT.

(2) THE COURT MAY ISSUE A SUBPOENA FOR ATTENDANCE OF ANY WITNESS AT THE TRIAL. THE INDIVIDUAL IS ENTITLED TO HAVE SUBPOENAS ISSUED FOR THAT PURPOSE.

(3) AT THE TRIAL, THE INDIVIDUAL IS ENTITLED:

(I) TO OFFER EVIDENCE; AND

(II) TO CROSS-EXAMINE ADVERSE WITNESSES.

(4) THE INDIVIDUAL MAY BE EXAMINED AS A WITNESS.

(B) COMMITMENT ORDER.

THE COURT IMMEDIATELY SHALL COMMIT THE INDIVIDUAL TO THE ADMINISTRATION IF THE TRIER OF FACT FINDS, ON CLEAR AND CONVINCING EVIDENCE, THAT:

(1) THE INDIVIDUAL IS A DRUG ADDICT;

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

(3) THE INDIVIDUAL IS A DANGER TO THE LIFE OR SAFETY OF THE INDIVIDUAL OR ANOTHER; AND

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