

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43B, § 15(a), (b), and (c) and the second clause of the second sentence of § 12(c).

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

9-651. INDIVIDUALS UNFIT FOR REHABILITATION.

IF THE ADMINISTRATION DETERMINES THAT AN INDIVIDUAL COMMITTED TO THE ADMINISTRATION IS NOT FIT FOR REHABILITATION, THE ADMINISTRATION SHALL RETURN THE INDIVIDUAL TO THE COURT THAT ORDERED COMMITMENT, FOR ITS TERMINATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43B, § 9(o) and § 12(d), except as that subsection related to resumption of a criminal proceeding. It is revised to apply to all proceedings under this subtitle. See revisor's note to § 9-601 of this subtitle.

Although former Article 43B, § 9(o) referred only to returning the individual to the committing court, this section is revised to specify that the return is for termination of the commitment. This revision is based on the provision of former Article 43B, § 12(d), which specified that purpose.

The former reference to termination "because of excessive criminality or for other relevant reason" is deleted as unnecessary.

As to termination of a commitment, see § 9-653 of this subtitle.

Defined term: "Administration" § 9-101

9-652. FAILURE TO REHABILITATE.

(A) COMMITMENTS UNDER PART II OR III.

IF, WITHIN 5 YEARS AFTER THE COMMITMENT OF AN INDIVIDUAL UNDER PART II OR III OF THIS SUBTITLE, THE ADMINISTRATION DOES NOT DISCHARGE THE INDIVIDUAL AS REHABILITATED, THE ADMINISTRATION SHALL FILE WITH THE COURT THAT ORDERED COMMITMENT A CERTIFICATE OF NONREHABILITATION.

(B) COMMITMENTS UNDER PART IV OR V.

IF, WITHIN 5 YEARS AFTER THE COMMITMENT OF AN INDIVIDUAL UNDER PART IV OR V OF THIS SUBTITLE, THE