

against an individual is not affected by commitment, is deleted as unnecessary in light of the directive to "adjourn the criminal proceedings", in § 9-630 of this subtitle and subsection (a)(1) of this section.

SUBTITLE 7. COMMITMENT OF INDIVIDUAL CHARGED WITH CRIME.

9-701. COMMITMENT AUTHORIZED.

(A) IN GENERAL.

(1) IF A DISTRICT OR CIRCUIT COURT JUDGE IS SATISFIED THAT A DEFENDANT IN A CRIMINAL CASE HAS A DRUG ADDICTION TO A NARCOTIC DRUG, AS DEFINED IN ARTICLE 27, § 277(Q) OF THE CODE, THE JUDGE MAY COMMIT THE DEFENDANT TO THE DEPARTMENT FOR EVALUATION AND TREATMENT, UNDER THE CONDITIONS THAT THE JUDGE SETS.

(2) BEFORE A JUDGE ORDERS COMMITMENT UNDER THIS SECTION, THE JUDGE SHALL CONSULT WITH THE DEPARTMENT.

(3) THE DEPARTMENT SHALL ACCEPT CUSTODY OF THE INDIVIDUAL.

(B) TERM OF COMMITMENT.

(1) A COMMITMENT UNDER THIS SECTION SHALL BE FOR AT LEAST 96 HOURS AND NOT MORE THAN 6 WEEKS.

(2) EXCEPT DURING THE FIRST 96 HOURS AFTER COMMITMENT, THE SECRETARY OR A DESIGNEE OF THE SECRETARY MAY TERMINATE THE COMMITMENT IF THE SECRETARY OR DESIGNEE DETERMINES THAT CONTINUED COMMITMENT:

(I) IS NOT IN THE BEST INTEREST OF THE INDIVIDUAL; OR

(II) DOES NOT SERVE ANY USEFUL PURPOSE.

(C) NOTICE BEFORE RELEASE.

BEFORE AN INDIVIDUAL IS RELEASED FROM COMMITMENT UNDER THIS SECTION, THE SECRETARY OR DESIGNEE SHALL GIVE THE JUDGE THAT ORDERED COMMITMENT NOTICE OF THE PROPOSED DATE AND TIME OF RELEASE.

REVISOR'S NOTE: Subsections (a)(1) and (3), (b), and (c) of this section are new language that combines, without substantive change, the similar provisions of former Article 16, § 49 and CJ § 4-305, as those sections related to certain drug addicts.

Subsection (a)(2) of this section is new language