

The Commission to Revise the Annotated Code notes, for consideration by the General Assembly, that, while former Article 59, § 3 contained only a definition of "facility", references to a "public facility" and "private facility" appeared throughout the former Article. Cf., former Article 59A, § 3 -- now § 7-101 of this article -- as to mental retardation facilities.

Numerous provisions of former Article 59, either from their context or from specific reference to a "public facility within the jurisdiction of the Department", clearly applied only to facilities that now are covered by the new, defined term "State facility".

A few provisions in former Article 59 appeared to apply to public facilities in addition to State facilities: i.e., former Article 59, § 37(a)(1), now § 10-706 of this title, which referred to "any public facility as defined in § 31 of this article ... or any similar appropriate public facility providing residential psychiatric treatment"; former Article 59, § 15(a), now § 10-805(c) of this title, which provided for judicial release and identified the respondents; former Article 59, § 17(a), now § 10-807(a) of this title, which generally provided for transfers between facilities; and former Article 59, § 5, now § 10-401 of this title, which referred to the responsibility of the Director "for the proper administration of all public facilities". Former Article 59, § 8(d), now § 10-407 of this title, referred to the responsibility of the Director to "generally supervise the administration of each public facility within the jurisdiction of the Department and may determine admission criteria to such facilities". The latter 2 provisions, which are similar in meaning, particularly suggest that 2 different groups of facilities were being addressed.

The General Assembly may wish to consider whether the few broad references to public facilities that are retained in the revision of this title are meant to refer to facilities other than State facilities and, if so, to identify the facilities.

TITLE 11. INTERSTATE COMPACT ON MENTAL HEALTH.

11-101. DEFINITIONS.

(A) "ARTICLE" DEFINED.

IN THE COMPACT SET FORTH IN THIS TITLE, "ARTICLE" MEANS AN ARTICLE OF THE COMPACT.

(B) INAPPLICABILITY OF CERTAIN DEFINITIONS.

THE DEFINITIONS IN § 1-101 OF THIS ARTICLE DO NOT APPLY TO THE COMPACT SET FORTH IN THIS TITLE.