

(a) (1) On motion by or for the petitioner or on motion of the court, the court shall order a trial on the commitment petition.

(2) The trial shall be held before the court or, on election of the petitioner, before a jury. After an election for a trial before the court, the petitioner may not have a jury trial.

(3) The order shall be served on each party interested in the commitment petition and on any other person that the court names.

(b) (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 petitioner is entitled to have subpoenas issued for that purpose.

(3) At the trial, the petitioner is entitled:

(i) To offer evidence; and

(ii) To cross-examine adverse witnesses.

(4) The petitioner may be examined as a witness.

(c) The court immediately shall commit the petitioner to the Administration if the trier of fact finds, on clear and convincing evidence, that:

(1) The petitioner is a drug addict;

(2) The petitioner needs care, supervision, and treatment because of the drug addiction;

(3) The petitioner is a danger to the life or safety of the petitioner or another; and

(4) There is no available less restrictive form of intervention that is consistent with the welfare and safety of the petitioner.]

[9-643.

If the court does not commit the individual under Part V of this subtitle, the court shall certify that determination and return the defendant to the correctional institution to resume serving the sentence.]

9-647.