

HB0650/922919/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 650

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “Medication” and substitute “Evaluation”; strike beginning with “administration” in line 4 down through “time” in line 5 and substitute “a certain defendant’s doctor to develop a treatment plan within a certain period of time”; and strike beginning with “a” in line 6 down through “circumstances” in line 10 and substitute “if a certain defendant refuses medication, the court may order a certain panel to convene within a certain period of time; prohibiting a certain panel from being postponed under certain circumstances”.

AMENDMENT NO. 2

On page 2, in line 11, strike the colon; in line 12, strike “(I)”; in line 14, strike the brackets; in the same line, strike “1.”; in line 15, strike the brackets; in the same line, strike “2.”; in line 17, strike the brackets; in the same line, strike “3.”; strike beginning with the semicolon in line 18 down through “MEDICATION” in line 24; after line 27, insert:

“(3) (I) IF THE COURT COMMITS THE DEFENDANT BECAUSE OF A MENTAL DISORDER AND THE MENTAL DISORDER IS TREATABLE WITH PSYCHIATRIC MEDICATION THAT WILL BE LIKELY TO MAKE THE DEFENDANT LESS OF A DANGER TO SELF OR THE PERSON OR PROPERTY OF ANOTHER, THE COURT MAY ORDER THE DEFENDANT’S TREATING PHYSICIAN TO EVALUATE AND DEVELOP A RECOMMENDED TREATMENT PLAN WITHIN 5 DAYS OF THE DEFENDANT’S ADMISSION TO THE DESIGNATED FACILITY.

(II) IF THE DEFENDANT REFUSES TREATMENT RECOMMENDED BY A TREATMENT PLAN DEVELOPED UNDER SUBPARAGRAPH (I)

(Over)

OF THIS PARAGRAPH, A CLINICAL REVIEW PANEL SHALL BE ESTABLISHED UNDER THE PROCEDURES OUTLINED BY § 10-708 OF THE HEALTH – GENERAL ARTICLE AND SHALL CONVENE WITHIN 14 DAYS OF THE DEFENDANT’S ADMISSION TO THE DESIGNATED FACILITY IN ORDER TO REVIEW ANY PROPOSED ADMINISTRATION OF PSYCHIATRIC MEDICATION OVER THE REFUSAL OF THE DEFENDANT.”;

and in line 29, strike “(1)”.

On pages 2 and 3, strike in their entirety the lines beginning with line 32 on page 2 through line 7 on page 3, inclusive.

On page 3, in line 8, after “(b)” insert “(1)”; and after line 10, insert:

“(2) (1) IF THE COURT COMMITS A DEFENDANT WHO WAS FOUND NOT CRIMINALLY RESPONSIBLE PRIMARILY BECAUSE OF MENTAL DISORDER THE COURT MAY ORDER THE DEFENDANT’S TREATING PHYSICIAN TO EVALUATE AND DEVELOP A RECOMMENDED TREATMENT PLAN WITHIN 5 DAYS OF THE DEFENDANT’S ADMISSION TO THE DESIGNATED FACILITY IF THE COURT FINDS:

1. BECAUSE OF A MENTAL DISORDER, THE DEFENDANT IS A DANGER TO SELF OR THE PERSON OR PROPERTY OF ANOTHER;

2. THE DEFENDANT HAS A MENTAL DISORDER THAT IS TREATABLE WITH PSYCHIATRIC MEDICATION; AND

3. THE MEDICATION IS LIKELY TO MAKE THE DEFENDANT LESS OF A DANGER TO SELF OR THE PERSON OR PROPERTY OF ANOTHER.

(II) IF THE DEFENDANT REFUSES TREATMENT RECOMMENDED BY A TREATMENT PLAN DEVELOPED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, A CLINICAL REVIEW PANEL ESTABLISHED UNDER THE PROCEDURES OUTLINED IN § 10-708 OF THE HEALTH – GENERAL ARTICLE SHALL CONVENE WITHIN 14 DAYS OF THE DEFENDANT’S ADMISSION TO THE DESIGNATED FACILITY IN ORDER TO REVIEW ANY PROPOSED ADMINISTRATION OF PSYCHIATRIC MEDICATION OVER THE REFUSAL OF THE DEFENDANT.”

On page 4, in lines 22 and 23, in each instance, strike the bracket; and in line 23, strike “MEDICATION”.

On pages 4 and 5, strike beginning with the comma in line 24 on page 4 down through “ARTICLE” in line 2 on page 5.

On page 5, in line 24, strike “Postpone” and substitute “**UNLESS THE PANEL HAS BEEN ORDERED BY A COURT TO CONVENE UNDER § 3-106 OR § 3-112 OF THE CRIMINAL PROCEDURE ARTICLE, POSTPONE**”.

On page 8, strike in their entirety lines 9 through 15, inclusive; in line 16, strike the brackets; in the same line, strike “(K)”; in line 19, strike the brackets; in the same line, strike “(L)”; in line 23, strike the brackets; in the same line, strike “(L)(1)”; in line 28, strike the brackets; and in the same line, strike “(L)”.

On page 9, in line 21, strike the brackets; and in the same line, strike “(M)”.

On page 10, in line 6, strike the brackets; in the same line, strike “(N)”; in line 15, strike the brackets; and in the same line, strike “(O)”.