

SB0361/358472/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 361
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “Medication” and substitute “Evaluation”; and strike beginning with “authorizing” in line 4 down through “circumstances” in line 10 and substitute “authorizing a court after a certain finding of incompetency or not criminally responsible due to a mental disorder to order the Maryland Department of Health within a certain period of time to evaluate a defendant, to develop a certain treatment plan, and to make a certain determination; requiring a certain panel to convene within a certain period of time after an individual’s refusal of medication for a certain period of time if the individual was committed after a certain finding of incompetency or not criminally responsible due to a mental disorder and the individual’s treatment plan made a certain determination; requiring the Behavioral Health Administration to develop and conduct certain training; requiring certain individuals to receive certain training”.

AMENDMENT NO. 2

On page 2, in line 10, strike the colon; in lines 11, 13, 14, and 16, strike “(I)”, “1.”, “2.”, and “3.”, respectively; in lines 13, 14, and 16, in each instance, strike the brackets; strike beginning with “; AND” in line 17 down through “MEDICATION” in line 23; in line 24, after “(2)” insert “IF THE COURT COMMITS THE DEFENDANT UNDER PARAGRAPH (1) OF THIS SUBSECTION BECAUSE OF A MENTAL DISORDER, THE COURT MAY ORDER THE HEALTH DEPARTMENT, AS SOON AS POSSIBLE AFTER THE DEFENDANT’S ADMISSION, BUT NOT TO EXCEED 48 HOURS, TO:

(I) EVALUATE THE DEFENDANT;

(Over)

(II) DEVELOP A PROMPT PLAN OF TREATMENT FOR THE DEFENDANT UNDER § 10-706 OF THE HEALTH – GENERAL ARTICLE; AND

(III) EVALUATE WHETHER THERE IS A SUBSTANTIAL LIKELIHOOD THAT, WITHOUT IMMEDIATE TREATMENT, INCLUDING MEDICATION, THE DEFENDANT WILL REMAIN A DANGER TO SELF OR THE PERSON OR PROPERTY OF ANOTHER.

(3)”;

in line 28, strike “(1)” and in the same line, strike “(c)” and substitute “(D)”.

On pages 2 and 3, strike in their entirety the lines beginning with line 31 on page 2 through line 6 on page 3, inclusive.

On page 3, in line 7, after “(b)” insert “IF THE COURT COMMITS A DEFENDANT WHO WAS FOUND NOT CRIMINALLY RESPONSIBLE PRIMARILY BECAUSE OF A MENTAL DISORDER, THE COURT MAY ORDER THE HEALTH DEPARTMENT, AS SOON AS POSSIBLE AFTER THE DEFENDANT’S ADMISSION, BUT NOT TO EXCEED 48 HOURS, TO:

(1) EVALUATE THE DEFENDANT;

(2) DEVELOP A PROMPT PLAN OF TREATMENT FOR THE DEFENDANT UNDER § 10-706 OF THE HEALTH – GENERAL ARTICLE; AND

(3) EVALUATE WHETHER THERE IS A SUBSTANTIAL LIKELIHOOD THAT, WITHOUT IMMEDIATE TREATMENT, INCLUDING MEDICATION, THE DEFENDANT WILL REMAIN A DANGER TO SELF OR THE PERSON OR PROPERTY OF ANOTHER.

**SB0361/358472/1 Judicial Proceedings Committee
Amendments to SB 361
Page 3 of 4**

(C)”;

and in lines 10 and 20, strike “(c)” and “(d)”, respectively, and substitute “**(D)**” and “**(E)**”, respectively.

AMENDMENT NO. 3

On page 4, in lines 20 and 21, in each instance, strike the bracket; in line 21, strike “**MEDICATION**”; and strike beginning with the comma in line 22 down through “**ARTICLE**” in line 32.

AMENDMENT NO. 4

On page 8, strike beginning with “**A**” in line 7 down through “**ARTICLE**” in line 13 and substitute “**A PANEL SHALL CONVENE WITHIN 9 DAYS AFTER AN INDIVIDUAL’S REFUSAL OF MEDICATION FOR A PERIOD OF AT LEAST 72 HOURS IF:**

(1) THE INDIVIDUAL WAS COMMITTED TO A HOSPITAL UNDER TITLE 3 OF THE CRIMINAL PROCEDURE ARTICLE BECAUSE OF A MENTAL DISORDER; AND

(2) THE TREATMENT PLAN DEVELOPED UNDER § 10-706 OF THIS SUBTITLE INDICATES THAT THERE IS A SUBSTANTIAL LIKELIHOOD THAT, WITHOUT IMMEDIATE TREATMENT, THE INDIVIDUAL WILL REMAIN A DANGER TO SELF OR THE PERSON OR PROPERTY OF ANOTHER”.

AMENDMENT NO. 5

On page 10, after line 12, insert:

(Over)

SB0361/358472/1 Judicial Proceedings Committee
Amendments to SB 361
Page 4 of 4

“(P) (1) THE ADMINISTRATION SHALL DEVELOP AND CONDUCT TRAINING ON THE REQUIREMENTS OF THIS SECTION TO ENSURE COMPLIANCE AT ALL STATE FACILITIES.

(2) THE TRAINING IS MANDATORY FOR ALL CLINICAL DIRECTORS AND ALL INDIVIDUALS WHO ARE ELIGIBLE TO SERVE ON A PANEL.”.

AMENDMENT NO. 6

On page 10, in line 14, strike “October” and substitute “July”.