

HB0202/672716/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 202  
(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 11, strike the colon; in lines 12, 14, 15, and 17, strike “(I)”, “1.”, “2.”, and “3.”, respectively; in lines 14, 15, and 17, in each instance, strike the brackets; strike beginning with “; AND” in line 18 down through “MEDICATION” in line 24; in line 25, 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 29, 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 32 on page 2 through line 7 on page 3, inclusive.

On page 3, in line 8, 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.

(C)”;

and in lines 11 and 21, strike “(c)” and “(d)”, respectively, and substitute “(D)” and “(E)”, respectively.

AMENDMENT NO. 3

On page 4, in lines 21 and 22, in each instance, strike the bracket; in line 22, strike “**MEDICATION**”; and strike beginning with the comma in line 23 down through “**ARTICLE**” in line 33.

AMENDMENT NO. 4

On page 8, strike beginning with “**A**” in line 8 down through “**ARTICLE**” in line 14 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 13, insert:

(Over)

**“(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 15, strike “October” and substitute “July”.