

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL NO. 620

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “inmates” in line 3 down through “Supplement)” in line 16 and substitute “certain inmates who have an alcohol or drug dependence be placed in treatment programs under specified circumstances; making a certain exception; requiring that certain procedures and standards be subject to certain regulations; requiring the State Alcohol and Drug Abuse Administration to adopt certain regulations; requiring the Department of Public Safety and Correctional Services to submit a certain report by a certain date to certain persons; requiring the State to provide funding for the provision of alcohol abuse and drug abuse treatment under specified circumstances; requiring the phasing in of certain funding provisions of this Act in a certain manner over a certain period of time; defining certain terms; requiring the Department of Health and Mental Hygiene, the Department of Public Safety and Correctional Services, and the Department of Juvenile Justice to conduct certain studies and present certain reports; providing for the termination of this Act; and generally relating to State funding for alcohol abuse and drug abuse treatment of inmates.”

BY adding to

Article - Health - General

Section 8-6A-01 and 8-6A-02 to be under the new subtitle “Subtitle 6A. Alcohol Abuse and Drug Abuse Treatment for Inmates”

Annotated Code of Maryland

(1994 Replacement Volume and 1995 Supplement)”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 17 on page 1 through line 32 on page 2, inclusive, and substitute:

“Preamble

(Over)

WHEREAS, Many studies have indicated that substance abuse constitutes one of the major contributing factors to criminal activity, including violent crimes and property crimes; and

WHEREAS, A study by the pretrial release program in Baltimore City estimated that 70% of those arrested tested positive for drug use; and

WHEREAS, There is a 6-month waiting period in the State to receive drug treatment; and

WHEREAS, Alcohol abuse and drug abuse treatment programs constitute a good investment of public funds yielding a significant return; and

WHEREAS, The benefits of alcohol abuse and drug abuse treatment programs justify the use of scarce public funds to pay for these programs; and

WHEREAS, The results of a landmark 1992 study in California of the effectiveness and benefits of alcohol abuse and drug abuse treatment programs in California indicated three major findings: (1) there is a \$7 return for every dollar invested in these programs; (2) criminal activities of individuals who have an alcohol or drug abuse dependence significantly declined after the completion of treatment; and (3) significant improvements in health and corresponding reductions in hospitalizations of individuals were found during and after treatment; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Health - General

SUBTITLE 6A. ALCOHOL ABUSE AND DRUG ABUSE TREATMENT FOR INMATES.

8-6A-01.

(A) (1) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “ALCOHOL ABUSE AND DRUG ABUSE TREATMENT PROGRAM” HAS THE MEANING STATED IN § 8-403(A) OF THIS TITLE.

(3) “INMATE” MEANS:

(I) A PERSON DETAINED IN A STATE CORRECTIONAL FACILITY; OR

(II) A CHILD COMMITTED TO CUSTODY OR GUARDIANSHIP UNDER § 3-820(C) OF THE COURTS ARTICLE FOR A PERIOD OF MORE THAN 90 DAYS.

(B) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN INMATE WHO IS DETERMINED BY A PHYSICIAN LICENSED UNDER § 14-301 OF THE HEALTH OCCUPATIONS ARTICLE OR A MENTAL HEALTH PROFESSIONAL WHO HAS A MASTER'S DEGREE IN A MENTAL HEALTH FIELD AND HAS EXPERTISE IN THE TREATMENT OF SUBSTANCE ABUSE TO HAVE AN ALCOHOL OR DRUG DEPENDENCE SHALL BE PLACED IN AN APPROPRIATE ALCOHOL ABUSE AND DRUG ABUSE TREATMENT PROGRAM UNDER THE SUPERVISION OF THE PHYSICIAN OR THE MENTAL HEALTH PROFESSIONAL.

(C) ANY TREATMENT PRESCRIBED FOR ALCOHOL OR DRUG DEPENDENCE MAY NOT COMMENCE UNTIL THE INMATE TO BE TREATED HAS CONSENTED IN WRITING TO THE TREATMENT.

(D) ALL PROCEDURES AND STANDARDS RELATING TO THE DETERMINATION OF AN ALCOHOL OR DRUG DEPENDENCE AND THE TREATMENT OF AN INMATE WHO HAS AN ALCOHOL OR DRUG DEPENDENCE SHALL BE SUBJECT TO THE REGULATIONS ADOPTED BY THE ADMINISTRATION.

(E) THE ADMINISTRATION SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

(F) THE GOVERNOR SHALL PROVIDE FUNDING IN THE ANNUAL BUDGET FOR ALCOHOL ABUSE AND DRUG ABUSE TREATMENT PROGRAMS UNDER THIS SECTION.

8-6A-02.

ON DECEMBER 1, 1999, AND EACH DECEMBER 1 THEREAFTER, THE

(Over)

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL SUBMIT A REPORT IN ACCORDANCE WITH § 2-1312 OF THE STATE GOVERNMENT ARTICLE TO THE SENATE ECONOMIC AND ENVIRONMENTAL AFFAIRS COMMITTEE OF THE GENERAL ASSEMBLY AND THE HOUSE APPROPRIATIONS COMMITTEE OF THE GENERAL ASSEMBLY ON:

(1) THE TOTAL NUMBER OF INMATES WHO HAVE PARTICIPATED IN ALCOHOL ABUSE AND DRUG ABUSE TREATMENT PROGRAMS BEFORE RELEASE AND PARTICIPATED IN AFTERCARE FOLLOW-UP TREATMENT AFTER RELEASE IN ACCORDANCE WITH § 8-6A-01 OF THIS SUBTITLE;

(2) THE NUMBER OF INMATES CURRENTLY PARTICIPATING IN ALCOHOL ABUSE AND DRUG ABUSE TREATMENT PROGRAMS BEFORE RELEASE AND PARTICIPATING IN AFTERCARE FOLLOW-UP TREATMENT AFTER RELEASE IN ACCORDANCE WITH § 8-6A-01 OF THIS SUBTITLE;

(3) THE TOTAL COST OF THE ALCOHOL ABUSE AND DRUG ABUSE TREATMENT PROGRAM SERVICES PROVIDED TO INMATES, INCLUDING THE COST OF AFTERCARE FOLLOW-UP TREATMENT; AND

(4) THE NUMBER OF PARTICIPANTS WHO ARE REARRESTED WHO HAVE PARTICIPATED IN ALCOHOL ABUSE AND DRUG ABUSE TREATMENT PROGRAMS BEFORE RELEASE AND AFTERCARE FOLLOW-UP TREATMENT AFTER RELEASE.

SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 8-6A-01(f) of the Health - General Article as enacted by this Act, during Fiscal Years 1998 through 2001, the Governor shall provide funding as required under § 8-6A-01 of the Health - General Article only as follows:

(1) In Fiscal Year 1998, 550 inmates in State correctional facilities that are scheduled to be released within 6 months and that have consented in writing to be placed in an appropriate alcohol abuse and drug abuse treatment program shall be treated during that 6-month period and shall receive appropriate aftercare follow-up treatment for a 1-month period after release in Fiscal Year 1998.

(2) In Fiscal Year 1999, an additional 550 inmates in State correctional facilities that are

scheduled to be released within 6 months and that have consented in writing to be placed in an appropriate alcohol abuse and drug abuse treatment program shall be treated during that 6-month period and shall receive appropriate aftercare follow-up treatment for a 1-month period after release in Fiscal Year 1999.

(3) In Fiscal Year 2000, an additional 550 inmates in State correctional facilities that are scheduled to be released within 6 months and that have consented in writing to be placed in an appropriate alcohol abuse and drug abuse treatment program shall be treated during that 6-month period and shall receive appropriate aftercare follow-up treatment for a 1-month period after release in Fiscal Year 2000.

(4) In Fiscal Year 2001, an additional 1,000 inmates in State correctional facilities that are scheduled to be released within 6 months and that have consented in writing to be placed in an appropriate alcohol abuse and drug abuse treatment program shall be treated during that 6-month period and shall receive appropriate aftercare follow-up treatment for a 1-month period after release in Fiscal Year 2001.

SECTION 3. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene and the Department of Public Safety and Correctional Services shall jointly conduct a study of alcohol and drug treatment programs for inmates nationwide as well as those programs that exist in Maryland. The study shall address: the impact these programs have on inmate recidivism; the existence of ancillary services; and the total cost of these programs, including the cost of ancillary services provided to the individual while not incarcerated by State agencies. The study shall be presented to the General Assembly no later than November 1, 1996.

SECTION 4. AND BE IT FURTHER ENACTED, That funds may not be expended to carry out the provisions of this Act until the provisions of Section 3 of this Act are met.

SECTION 5. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene and the Department of Juvenile Justice shall jointly conduct a study of alcohol and drug treatment programs for youth in juvenile justice systems nationwide as well as those programs that exist in Maryland. The purpose of the study is to determine the efficacy of developing a program, similar to the program provided for in this Act, for youth in the Maryland juvenile justice system. The study shall address: the impact these programs have on recidivism in the juvenile

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justice system; the existence of ancillary services; and the total cost of these programs, including the cost of ancillary services provided to the child while not under State supervision. The study shall be presented to the General Assembly no later than December 1, 1996.

SECTION 6. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene shall assess the need in Maryland for providing alcohol and drug treatment programs for pregnant and postpartum women and women with young children. On December 31, 1996, the Department shall submit a report in accordance with § 2-1312 of the State Government Article to the Senate Economic and Environmental Affairs Committee and the House Appropriations Committee of the General Assembly on the needs assessment of pregnant and postpartum women and women with young children.

SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1996. It shall remain effective for a period of 5 years and, at the end of June 30, 2001, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.