
By: Senators Hollinger, Blount, Collins, Pinsky, Sfikas, and ~~Teitelbaum~~ Teitelbaum, Frosh, and Forehand

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Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted with floor amendments
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CHAPTER _____

1 AN ACT concerning

2 **Alcohol and Drug Abuse Treatment - Inmates - State Funding**

3 [TAG ftpo]FOR the purpose of requiring that certain inmates ~~in State or local correctional facilities~~
4 who have an alcohol or drug dependence be placed in treatment programs under
5 specified circumstances; making a certain exception; requiring that certain
6 procedures and standards be subject to certain regulations; requiring the State
7 Alcohol and Drug Abuse Administration to adopt certain regulations; requiring the
8 Department of Public Safety and Correctional Services to submit a certain report by
9 a certain date to certain persons; requiring the State to provide funding for the
10 provision of alcohol and drug abuse treatment under specified circumstances;
11 requiring the phasing in of certain funding provisions of this Act in a certain manner
12 over a certain period of time; defining certain terms; and generally relating to State
13 funding for alcohol and drug abuse treatment of inmates ~~in State and local~~
14 ~~correctional facilities~~.

15 BY repealing and reenacting, without amendments,

- 16 Article - Courts and Judicial Proceedings
- 17 Section 3-820(c)
- 18 Annotated Code of Maryland
- 19 (1995 Replacement Volume and 1995 Supplement)

20 BY adding to

- 21 Article - Health - General
- 22 Section 8-6A-01 and 8-6A-02 to be under the new subtitle "Subtitle 6A. Alcohol
- 23 Abuse and Drug Abuse Treatment for Inmates"
- 24 Annotated Code of Maryland

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1 (1994 Replacement Volume and 1995 Supplement)

2 Preamble

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

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

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

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

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

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

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

23 **Article - Courts and Judicial Proceedings**

24 3-820.

25 (c) (1) In making a disposition on a petition, the court may:

26 (i) Place the child on probation or under supervision in his own home
27 or in the custody or under the guardianship of a relative or other fit person, upon terms
28 the court deems appropriate;

29 (ii) Subject to the provisions of paragraph (2) of this subsection,
30 commit the child to the custody or under the guardianship of the Department of Juvenile
31 Justice, a local department of social services, the Department of Health and Mental
32 Hygiene, or a public or licensed private agency on terms that the court considers
33 appropriate to meet the priorities set forth in subsection (b) of this section, including
34 designation of the type of facility where the child is to be accommodated, until custody or
35 guardianship is terminated with approval of the court or as required under § 3-825 of this
36 subtitle; or

37 (iii) Order the child, parents, guardian, or custodian of the child to
38 participate in rehabilitative services that are in the best interest of the child and the
39 family.

1 (2) A child committed under paragraph (1)(ii) of this subsection may not be
2 accommodated in a facility that has reached budgeted capacity if a bed is available in
3 another comparable facility in the State, unless the placement to the facility that has
4 reached budgeted capacity has been recommended by the Department of Juvenile
5 Justice.

6 **Article - Health - General**

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

8 8-6A-01.

9 (A) (1) IN THIS SECTION, SUBTITLE, THE FOLLOWING WORDS HAVE THE
10 MEANINGS INDICATED.

11 (2) "ALCOHOL ABUSE AND DRUG ABUSE TREATMENT PROGRAM" HAS
12 THE MEANING STATED IN § 8-403(A) OF THIS SUBTITLE TITLE.

13 (3) "INMATE" MEANS:

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

16 (II) A CHILD COMMITTED TO CUSTODY OR GUARDIANSHIP UNDER
17 § 3-820(C) OF THE COURTS ARTICLE FOR A PERIOD OF MORE THAN 90 DAYS.

18 (B) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS SECTION,
19 AN INMATE ~~DETAINED IN A LOCAL OR STATE CORRECTIONAL FACILITY~~ WHO IS
20 DETERMINED BY A PHYSICIAN LICENSED UNDER § 14-301 OF THE HEALTH
21 OCCUPATIONS ARTICLE OR A MENTAL HEALTH PROFESSIONAL WHO HAS A
22 MASTER'S DEGREE IN A MENTAL HEALTH FIELD AND HAS EXPERTISE IN THE
23 TREATMENT OF SUBSTANCE ABUSE TO HAVE AN ALCOHOL OR DRUG DEPENDENCE
24 SHALL BE PLACED IN AN APPROPRIATE ALCOHOL AND DRUG ABUSE TREATMENT
25 PROGRAM UNDER THE SUPERVISION OF THE PHYSICIAN OR THE MENTAL HEALTH
26 PROFESSIONAL.

27 (C) ANY TREATMENT PRESCRIBED MAY NOT COMMENCE UNTIL THE INMATE
28 TO BE TREATED HAS CONSENTED IN WRITING TO THE TREATMENT.

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

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

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

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1 8-6A-02.

2 ON DECEMBER 1, 2000, AND EACH DECEMBER 1 THEREAFTER, THE
3 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL SUBMIT A
4 REPORT IN ACCORDANCE WITH § 2-1312 OF THE STATE GOVERNMENT ARTICLE TO
5 THE SENATE ECONOMIC AND ENVIRONMENTAL AFFAIRS COMMITTEE OF THE
6 GENERAL ASSEMBLY AND THE HOUSE APPROPRIATIONS COMMITTEE OF THE
7 GENERAL ASSEMBLY ON:

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

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

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

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the
23 provisions of § 8-6A-01(f) of the Health - General Article as enacted by this Act, during
24 Fiscal Years 1998 through 2001, the Governor shall provide funding as required under §
25 8-6A-01 of the Health - General Article ~~over a period of 4 years~~ only as follows:

26 (1) In Fiscal Year ~~1998~~, 1998:

27 (a) 25 percent of the population in State correctional facilities that is
28 scheduled to be released within 6 months and that has consented in writing to be placed
29 in an appropriate alcohol and drug abuse treatment program shall be treated during that
30 6-month period and shall receive appropriate aftercare follow-up treatment for a
31 1-month period after release in Fiscal Year 1998; and

32 (b) 25 percent of the children committed to custody or guardianship under §
33 3-820(c) of the Courts Article for a period of more than 90 days who have consented in
34 writing to be placed in an appropriate alcohol and drug abuse treatment program shall be
35 treated during the period of commitment and shall receive appropriate aftercare
36 follow-up treatment for a 1-month period after release in Fiscal Year 1998;

37 (2) In Fiscal Year ~~1999~~, 1999:

38 (a) 50 percent of the population in State correctional facilities that is
39 scheduled to be released within 6 months and that has consented in writing to be placed
40 in an appropriate alcohol and drug abuse treatment program shall be treated during that

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1 6-month period and shall receive appropriate aftercare follow-up treatment for a
2 1-month period after release in Fiscal Year 1999; and

3 (b) 50 percent of the children committed to custody or guardianship under §
4 3-820(c) of the Courts Article for a period of more than 90 days who have consented in
5 writing to be placed in an appropriate alcohol and drug abuse treatment program shall be
6 treated during the period of commitment and shall receive appropriate aftercare
7 follow-up treatment for a 1-month period after release in Fiscal Year 1999;

8 (3) In Fiscal Year ~~2000~~, 2000:

9 (a) 75 percent of the population in State correctional facilities that is
10 scheduled to be released within 6 months and that has consented in writing to be placed
11 in an appropriate alcohol and drug abuse treatment program shall be treated during that
12 6-month period and shall receive appropriate aftercare follow-up treatment for a
13 1-month period after release in Fiscal Year 2000; and

14 (b) 75 percent of the children committed to custody or guardianship under §
15 3-820(c) of the Courts Article for a period of more than 90 days who have consented in
16 writing to be placed in an appropriate alcohol and drug abuse treatment program shall be
17 treated during the period of commitment and shall receive appropriate aftercare
18 follow-up treatment for a 1-month period after release in Fiscal Year 2000; and

19 (4) In Fiscal Year ~~2001~~, 2001:

20 (a) 100 percent of the population in State correctional facilities that is
21 scheduled to be released within 6 months and that has consented in writing to be placed
22 in an appropriate alcohol and drug abuse treatment program shall be treated during that
23 6-month period and shall receive appropriate aftercare follow-up treatment for a
24 1-month period after release in Fiscal Year 2001; and

25 (b) 100 percent of the children committed to custody or guardianship under
26 § 3-820(c) of the Courts Article for a period of more than 90 days who have consented in
27 writing to be placed in an appropriate alcohol and drug abuse treatment program shall be
28 treated during the period of commitment and shall receive appropriate aftercare
29 follow-up treatment for a 1-month period after release in Fiscal Year 2001.

30 SECTION ~~2~~ 3, AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 1996.