

SENATE BILL 61

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E4

1999 Regular Session
(9r0077)

ENROLLED BILL
-- Economic and Environmental Affairs/Judiciary --

Introduced by **Chairman, Economic and Environmental Affairs Committee**
(Departmental - Public Safety and Correctional Services)

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of providing that an eligible inmate who refuses to participate in an
4 appropriate alcohol abuse and drug abuse treatment program is subject to any
5 sanctions that may be imposed upon an inmate who refuses to participate in any
6 mandatory program; *providing that certain diminution credits may only be*
7 *revoked for a certain time period;* stating that the required written consent for
8 treatment is valid regardless of whether a potential sanction may be imposed
9 when an inmate refuses to participate; and generally relating to alcohol abuse
10 and drug abuse treatment for inmates.

11 BY repealing and reenacting, with amendments,
12 Article - Health - General
13 Section 8-6A-01
14 Annotated Code of Maryland
15 (1994 Replacement Volume and 1998 Supplement)

1 BY repealing and reenacting, without amendments,
 2 Article - Health - General
 3 Section 8-6A-02
 4 Annotated Code of Maryland
 5 (1994 Replacement Volume and 1998 Supplement)

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

8 **Article - Health - General**

9 8-6A-01.

10 (a) (1) In this subtitle the following words have the meanings indicated.

11 (2) "Alcohol abuse and drug abuse treatment program" has the meaning
 12 stated in § 8-403(a) of this title.

13 (3) "Inmate" means a person detained in a State correctional facility.

14 (b) Except as otherwise provided in subsection (c) of this section, an inmate
 15 who is determined by a physician licensed under § 14-301 of the Health Occupations
 16 Article or a mental health professional who has a master's degree in a mental health
 17 field and has expertise in the treatment of substance abuse to have an alcohol or drug
 18 dependence shall be placed in an appropriate alcohol abuse and drug abuse treatment
 19 program under the supervision of the physician or the mental health professional.

20 (c) (1) Any treatment prescribed for alcohol or drug dependence may not
 21 commence until the inmate to be treated has consented in writing to the treatment.

22 (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
 23 PARAGRAPH, IF AN INMATE REFUSES TO PARTICIPATE IN THE ALCOHOL ABUSE AND
 24 DRUG ABUSE TREATMENT PROGRAM AFTER THE INMATE HAS BEEN DETERMINED
 25 UNDER THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION TO HAVE AN
 26 ALCOHOL OR DRUG DEPENDENCE, THE INMATE SHALL BE SUBJECT TO ANY
 27 SANCTIONS THAT ARE IMPOSED UPON AN INMATE WHO REFUSES TO PARTICIPATE IN
 28 ANY MANDATORY PROGRAM.

29 (II) DIMINUTION CREDITS WHICH ARE SUBJECT TO REVOCATION
 30 FOR REFUSAL TO PARTICIPATE IN A MANDATORY PROGRAM MAY ONLY BE REVOKED
 31 FOR THE TIME PERIOD DURING WHICH AN INMATE REFUSES TO PARTICIPATE IN
 32 THE ALCOHOL AND DRUG ABUSE TREATMENT PROGRAM.

33 (3) AN INMATE'S CONSENT TO TREATMENT AS REQUIRED UNDER
 34 PARAGRAPH (1) OF THIS SUBSECTION IS VALID EVEN IF A SANCTION MAY BE
 35 IMPOSED ON THE INMATE IF THE INMATE REFUSES TO PARTICIPATE IN THE
 36 TREATMENT PROGRAM.

1 (d) All procedures and standards relating to the determination of an alcohol or
2 drug dependence and the treatment of an inmate who has an alcohol or drug
3 dependence shall be subject to the regulations adopted by the Administration.

4 (e) The Administration shall adopt regulations to implement the provisions of
5 this section.

6 (f) The Governor shall provide funding in the annual budget for alcohol abuse
7 and drug abuse treatment programs under this section.

8 8-6A-02.

9 On December 1, 1999, and each December 1 thereafter, the Department of
10 Public Safety and Correctional Services shall submit a report in accordance with §
11 2-1246 of the State Government Article to the Senate Economic and Environmental
12 Affairs Committee of the General Assembly and the House Appropriations Committee
13 of the General Assembly on:

14 (1) The total number of inmates who have participated in alcohol abuse
15 and drug abuse treatment programs before release and participated in aftercare
16 follow-up treatment after release in accordance with § 8-6A-01 of this subtitle;

17 (2) The number of inmates currently participating in alcohol abuse and
18 drug abuse treatment programs before release and participating in aftercare
19 follow-up treatment after release in accordance with § 8-6A-01 of this subtitle;

20 (3) The total cost of the alcohol abuse and drug abuse treatment program
21 services provided to inmates, including the cost of aftercare follow-up treatment; and

22 (4) The number of participants who are rearrested who have
23 participated in alcohol abuse and drug abuse treatment programs before release and
24 aftercare follow-up treatment after release.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
26 effect October 1, 1999.