
By: **Delegate Marriott**

Introduced and read first time: February 4, 2002

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Controlled Dangerous Substance Crimes - Drug Treatment**

3 FOR the purpose of establishing that a person convicted of certain crimes involving
4 the possession, administration, manufacture, or distribution of controlled
5 dangerous substances shall receive probation if the person, at the time of the
6 arrest that leads to the conviction, tests positive for one controlled dangerous
7 substance involved in the crime; making participation in and completion of a
8 certain drug treatment program a condition of probation; authorizing the
9 Division of Parole and Probation to petition the court to revoke probation under
10 certain circumstances; providing a certain exception for certain persons; and
11 generally relating to drug treatment for certain controlled dangerous substance
12 crimes.

13 BY adding to
14 Article - Criminal Law
15 Section 5-610
16 Annotated Code of Maryland
17 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
18 2002)

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

21 **Article - Criminal Law**

22 5-610.

23 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AND EXCEPT AS
24 PROVIDED IN SUBSECTION (D) OF THIS SECTION, A PERSON CONVICTED OF A
25 VIOLATION UNDER § 5-601 OR § 5-602 OF THIS SUBTITLE SHALL RECEIVE PROBATION
26 IF THE PERSON, AT THE TIME OF THE ARREST THAT LEADS TO THE CONVICTION,
27 TESTS POSITIVE FOR ONE CONTROLLED DANGEROUS SUBSTANCE INVOLVED IN THE
28 CRIME.

1 (B) (1) AS A CONDITION OF PROBATION UNDER THIS SECTION, A COURT
2 SHALL REQUIRE PARTICIPATION IN AND COMPLETION OF A DRUG TREATMENT
3 PROGRAM UNDER § 8-507 OF THE HEALTH - GENERAL ARTICLE.

4 (2) A COURT MAY NOT IMPOSE IMPRISONMENT AS AN ADDITIONAL
5 CONDITION OF PROBATION.

6 (C) IF, DURING THE COURSE OF TREATMENT PROVIDED UNDER THIS
7 SECTION, THE DRUG TREATMENT PROVIDER NOTIFIES THE DIVISION OF PAROLE
8 AND PROBATION THAT A PERSON IS UNAMENABLE TO THE TREATMENT BEING
9 PROVIDED AND TO ALL OTHER APPROPRIATE DRUG TREATMENT PROGRAMS, THE
10 DIVISION OF PAROLE AND PROBATION MAY PETITION THE COURT TO REVOKE
11 PROBATION.

12 (D) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO A PERSON WHO MAY
13 BE SENTENCED UNDER § 5-612 OF THIS SUBTITLE.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2002.