

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 194

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Stone” and substitute “Stone, Lawlah, Green, Hollinger, Hughes, and Forehand”; in line 5, after “circumstances;” insert “establishing parole eligibility for certain nonviolent offenders who are ordered to undergo drug or alcohol treatment;”; in line 7, after “circumstances;” insert “authorizing a court, under certain circumstances, to enter a certain order;”; in line 8, after “records;” insert “making certain offenders eligible for certain treatment;”; in line 15, after “manner;” insert “providing that certain evaluation requirements and departmental regulations for local designees of the Department under this Act are not applicable under certain circumstances; authorizing a court to issue a warrant for the arrest of a certain individual under certain circumstances;”; in line 23, after “council;” insert “providing that certain planning, reporting, and reviewing for a local drug and alcohol abuse council under this Act are not applicable under certain circumstances; requiring the Department to provide to the Governor and the General Assembly a certain report by a certain date; making this Act subject to a certain contingency;”; in line 27, after “Section” insert “7-301(a) and”; and after line 29, insert:

“BY repealing and reenacting, without amendments,

Article - Criminal Law

Section 5-609(a)

Annotated Code of Maryland

(2002 Volume and 2003 Supplement)

BY repealing and reenacting, with amendments,

Article - Criminal Law

Section 5-609(b)

Annotated Code of Maryland

(2002 Volume and 2003 Supplement)”.

(Over)

On page 2, in line 2, after “6-229” insert “, 6-230, and 6-231”; and strike in their entirety lines 22 through 26, inclusive.

AMENDMENT NO. 2

On page 2, after line 29, insert:

“7-301.

(a) (1) Except as otherwise provided in this section, the Commission shall request that the Division of Parole and Probation make an investigation for inmates in a local correctional facility and the Division of Correction make an investigation for inmates in a State correctional facility that will enable the Commission to determine the advisability of granting parole to an inmate who:

(i) has been sentenced under the laws of the State to serve a term of 6 months or more in a correctional facility; and

(ii) has served in confinement one-fourth of the inmate’s aggregate sentence.

(2) Except as PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, OR AS otherwise provided by law or in a predetermined parole release agreement, an inmate is not eligible for parole until the inmate has served in confinement one-fourth of the inmate’s aggregate sentence.

(3) AN INMATE MAY BE RELEASED ON PAROLE AT ANY TIME IN ORDER TO UNDERGO DRUG OR ALCOHOL TREATMENT IF THE INMATE:

(I) IS NOT SERVING A SENTENCE FOR A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE;

(II) IS NOT SERVING A SENTENCE FOR A VIOLATION OF TITLE 3, SUBTITLE 6, § 5-608(D), § 5-609(D), § 5-612, § 5-613, § 5-614, § 5-621, § 5-622, OR § 5-628 OF THE CRIMINAL LAW ARTICLE; AND

(III) HAS BEEN DETERMINED TO BE AMENABLE TO DRUG OR ALCOHOL TREATMENT.”.

AMENDMENT NO. 3

On page 3, strike beginning with “ORDERED” in line 4 down through “COMMISSION” in line 5; strike beginning with “UNDER” in line 5 down through “ADMINISTRATION” in line 6 and substitute “ON THE INMATE”; in line 23, after “PERSON” insert “;

(1)”;

in the same line, strike “VIOLENT”; in line 24, after “CRIME” insert “OF VIOLENCE”; in the same line, strike “§ 7-101” and substitute “§ 14-101”; in the same line, strike “CORRECTIONAL SERVICES” and substitute “CRIMINAL LAW”; in line 25, after the first “OF” insert “TITLE 3, SUBTITLE 6 OR SUBTITLE 8, OR § 3-203, § 3-204,”; and in line 26, after “ARTICLE” insert “;
OR

(2) WHO HAS BEEN CONVICTED OF A CRIME OF VIOLENCE, AS DEFINED UNDER § 14-101 OF THE CRIMINAL LAW ARTICLE, WITHIN THE PREVIOUS 5 YEARS”.

AMENDMENT NO. 4

On page 3, after line 20, insert:

“Article - Criminal Law

5-609.

(a) Except as otherwise provided in this section, a person who violates a provision of §§ 5-602 through 5-606 of this subtitle with respect to any of the following controlled dangerous substances is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$20,000 or both:

(1) phencyclidine;

(Over)

- (2) 1-(1-phenylcyclohexyl) piperidine;
- (3) 1-phenylcyclohexylamine;
- (4) 1-piperidinocyclohexanecarbonitrile;
- (5) N-ethyl-1-phenylcyclohexylamine;
- (6) 1-(1-phenylcyclohexyl)-pyrrolidine;
- (7) 1-(1-(2-thienyl)-cyclohexyl)-piperidine;
- (8) lysergic acid diethylamide; or
- (9) 750 grams or more of 3, 4-methylenedioxyamphetamine (MDMA).

(b) (1) A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section shall be sentenced to imprisonment for not less than 10 years and is subject to a fine not exceeding \$100,000 if the person previously has been convicted once:

(i) under subsection (a) of this section or § 5-608 of this subtitle;

(ii) of conspiracy to commit a crime included in subsection (a) of this section or § 5-608 of this subtitle; or

(iii) of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5-608 of this subtitle if committed in this State; or

(iv) of any combination of these crimes.

(2) The court may not suspend the mandatory minimum sentence to less than 10 years.

(3) Except as provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.

(4) A PERSON CONVICTED UNDER SUBSECTION (A) OF THIS SECTION IS NOT PROHIBITED FROM PARTICIPATING IN A DRUG TREATMENT PROGRAM UNDER § 8-507 OF THE HEALTH - GENERAL ARTICLE BECAUSE OF THE LENGTH OF THE SENTENCE.”.

AMENDMENT NO. 5

On page 3, in line 34, after “ATTORNEY” insert “, ON REQUEST OF THE DEFENDANT OR ON THE STATE’S ATTORNEY’S OWN MOTION,”.”

On page 4, in line 8, after “ABUSE” insert “BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, A DESIGNEE OF THE DEPARTMENT, OR A PRIVATE PROVIDER”; strike beginning with “WAIVER” in line 17 down through “ALLOWING” in line 19 and substitute “CONSENT TO THE DISCLOSURE OF SUCH TREATMENT INFORMATION AS MAY BE NECESSARY TO ALLOW”; and in line 23, after “(II)” insert “ON SUCCESSFUL COMPLETION OF DRUG OR ALCOHOL TREATMENT,”.”

AMENDMENT NO. 6

On page 5, strike beginning with “AND” in line 4 down through “RECORDS” in line 5; and after line 14, insert:

“6-230.

(A) (1) THIS SUBSECTION SHALL APPLY IN ANY CASE WHERE THE COURT AGREES THAT, ON SUCCESSFUL COMPLETION OF ANY TREATMENT ORDERED AS A CONDITION OF PROBATION UNDER § 6-219 OF THIS SUBTITLE, THE COURT WILL ENTER AN ORDER STRIKING THE ENTRY OF JUDGMENT AND DEFERRING FURTHER PROCEEDINGS IN ACCORDANCE WITH § 6-220 OF THIS SUBTITLE.

(2) ON NOTIFICATION TO THE COURT BY THE DIVISION OF PAROLE AND PROBATION THAT THE DEFENDANT HAS SUCCESSFULLY COMPLETED THE TREATMENT AS ORDERED IN A PROCEEDING UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COURT SHALL, NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR RULE TO THE CONTRARY, ENTER AN ORDER STRIKING ENTRY OF JUDGMENT AND DEFERRING FURTHER PROCEEDINGS IN ACCORDANCE WITH § 6-220 OF THIS SUBTITLE.

(B) (1) IN ALL OTHER CASES, ON THE SUCCESSFUL COMPLETION BY A DEFENDANT OF ANY TREATMENT ORDERED AS A CONDITION OF PROBATION IMPOSED UNDER § 6-219 OF THIS SUBTITLE, THE DIVISION OF PAROLE AND PROBATION SHALL NOTIFY THE COURT THAT ISSUED THE ORDER AND THE OFFICE OF THE STATE'S ATTORNEY IN THAT JURISDICTION.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR RULE TO THE CONTRARY, UNLESS THE STATE'S ATTORNEY FILES AN OBJECTION WITHIN 30 DAYS AFTER RECEIPT OF THE NOTICE, THE COURT MAY ENTER AN ORDER STRIKING THE ENTRY OF JUDGMENT AND DEFERRING FURTHER PROCEEDINGS IN ACCORDANCE WITH § 6-220 OF THIS SUBTITLE.

(3) IF THE STATE'S ATTORNEY FILES A TIMELY OBJECTION, THE COURT SHALL HOLD A HEARING AND MAY, UNLESS GOOD CAUSE IS FOUND TO THE CONTRARY, ENTER THE ORDER.

(C) ANY PROBATION BEFORE JUDGMENT ENTERED IN ACCORDANCE WITH THIS SECTION SHALL BE SUPERVISED BY THE DIVISION OF PAROLE AND PROBATION FOR THE TERM AND UNDER THE CONDITIONS THAT THE COURT CONSIDERS APPROPRIATE.

6-231.

BEFORE THE REVOCATION OF ANY PROBATION ORDERED UNDER THIS TITLE, AND IN ADDITION TO ANY OTHER FACTORS THE COURT CONSIDERS IN CONNECTION WITH THE DETERMINATION OF AN APPROPRIATE SENTENCE, THE COURT SHALL:

(1) CONSIDER ANY EVALUATION OR RECOMMENDATION OF ANY HEALTH PROFESSIONAL LICENSED UNDER THE HEALTH OCCUPATIONS ARTICLE;

(2) CONSIDER RELEVANT INFORMATION ABOUT THE DEFENDANT'S DRUG OR ALCOHOL ABUSE; AND

(3) MAKE A FINDING ON THE RECORD AS TO THE DEFENDANT'S AMENABILITY TO TREATMENT AND THE INTEREST OF JUSTICE.”.

AMENDMENT NO. 7

On page 6, strike beginning with the comma in line 17 down through “TREATMENT” in line 18; strike beginning with “THE” in line 24 down through the second “OR” in line 25; after line 27, insert:

“(3) A PETITION FOR EXPUNGEMENT BASED ON A NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT MAY NOT BE FILED UNTIL THE COMPLETION OF THE REQUIRED TREATMENT.”;

and in lines 28, 31, and 34, strike “(3)”, “(4)”, and “(5)”, respectively, and substitute “(4)”, “(5)”, and “(6)”, respectively.

AMENDMENT NO. 8

On page 7, in line 29, strike “prior to” and substitute “BEFORE”; and in line 30, strike “, THROUGH ITS LOCAL DESIGNEE,”.

On page 8, in line 2, strike “The” and substitute “A”; in the same line, strike the second “the” and substitute “AN”; in line 3, after “conducted” insert “UNDER THIS SECTION”; strike beginning with “AN” in line 4 down through “DEPARTMENT” in line 5 and substitute “THE DEPARTMENT SHALL ENSURE THAT EACH EVALUATION UNDER THIS SECTION IS CONDUCTED”; in line 16, strike the brackets; in the same line, strike “LOCAL DESIGNEE OF THE DEPARTMENT”; in line 24, strike “, THROUGH ITS LOCAL DESIGNEE,”; in line 31, strike “OR ITS LOCAL DESIGNEE”; and in lines 34 and 36, in each instance, strike the bracket.

AMENDMENT NO. 9

On page 9, in line 5, strike “Administration” and substitute “DEPARTMENT”; in line 7, strike the first “the” and substitute “A”; in line 8, after “evaluation” insert “UNDER THIS SECTION”; after line 8, insert:

“(3) WHENEVER AN EVALUATOR RECOMMENDS TREATMENT, THE EVALUATOR’S REPORT SHALL:

(I) NAME A SPECIFIC PROGRAM ABLE TO PROVIDE THE RECOMMENDED TREATMENT; AND

(II) GIVE AN ACTUAL OR ESTIMATED DATE WHEN THE PROGRAM CAN BEGIN TREATMENT OF THE DEFENDANT.

(E) (1) THE DEPARTMENT SHALL PROVIDE THE SERVICES REQUIRED BY THIS SECTION.

(2) A DESIGNEE OF THE DEPARTMENT MAY CARRY OUT ANY OF ITS DUTIES UNDER THIS SECTION IF APPROPRIATE FUNDING IS PROVIDED.

(F) EVALUATIONS PERFORMED IN FACILITIES OPERATED BY THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL BE CONDUCTED BY THE ADMINISTRATION.”;

in line 10, strike “(1)”; in the same line, in each instance, strike the bracket; strike beginning with “ORDER” in line 10 down through “FOR” in line 11 and substitute “FOR INPATIENT EVALUATION AS TO”; in line 13, strike “(i)” and substitute “(1)”; in line 14, after “[or]” insert “AND”; in line 15, strike “(ii)” and substitute “(2)”; strike beginning with “CONDUCTED” in line 16 down through “REGULATIONS” in line 17; in line 17, strike the brackets; strike beginning with “INITIAL” in line 17 down through “EVALUATION” in line 18 and substitute “:

(I)”;

and in line 19, strike “AND” and substitute:

“(II) CERTIFIES THAT AN APPROPRIATE FACILITY IS EITHER CURRENTLY, OR WITHIN A REASONABLE TIME WILL BE ABLE TO, CONDUCT THE EVALUATION;

(III) PROVIDES TO THE COURT A DATE BY WHICH THE EVALUATION CAN BE CONDUCTED; AND

(IV) GIVES THE COURT PROMPT NOTICE WHEN AN EVALUATION CAN BE CONDUCTED.”.

On pages 9 through 11, strike in their entirety the lines beginning with line 20 on page 9 through line 5 on page 11, inclusive, and substitute:

“(b) (1) The Department shall provide the services required by this section.

(2) A DESIGNEE OF THE DEPARTMENT MAY CARRY OUT ANY OF THE DEPARTMENT’S DUTIES UNDER THIS SECTION IF APPROPRIATE FUNDING IS PROVIDED.

(c) The Department shall [have the obligation to engage in reasonable efforts to] facilitate the [admission] PROMPT EVALUATION of a defendant [to an appropriate evaluation facility] UNDER THIS SECTION AND ENSURE THAT EACH EVALUATION IS CONDUCTED IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT.

(d) [Unless the court allows the defendant to provide the defendant’s own transportation, on commitment or release of a defendant under this subtitle, the] A court [shall] MAY order [transportation by] law enforcement officials, detention center staff, DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES STAFF, or sheriff’s department staff within the APPROPRIATE local jurisdiction TO TRANSPORT THE DEFENDANT TO AND FROM AN EVALUATION FACILITY.

(e) (1) A commitment under this section [shall] MAY not [be] REQUIRE EVALUATION for more than 7 days unless the medical condition of a defendant warrants an

extension of a maximum of 14 days.

(2) Except during the first 72 hours after [commitment] ADMISSION OF A DEFENDANT TO AN EVALUATION FACILITY, the [Director or a designee of the Director] DEPARTMENT may terminate the [commitment] EVALUATION if the [Director or the designee] DEPARTMENT determines that continued [commitment] EVALUATION:

(i) Is not in the best interest of [an individual] THE DEFENDANT; or

(ii) Does not serve any useful purpose.

(3) WHENEVER AN EVALUATION RECOMMENDS TREATMENT, THE EVALUATOR'S REPORT SHALL:

(I) NAME A SPECIFIC PROGRAM ABLE TO PROVIDE THE RECOMMENDED TREATMENT; AND

(II) GIVE AN ACTUAL OR ESTIMATED DATE WHEN THE PROGRAM CAN BEGIN TREATMENT OF THE DEFENDANT.

(f) (1) ON COMPLETION OF AN EVALUATION UNDER THIS SECTION, THE DEPARTMENT SHALL NOTIFY THE COURT.

(2) Before [an individual] A DEFENDANT is released from [commitment] AN EVALUATION FACILITY under this section, the [Director or a designee of the Director] DEPARTMENT shall give the [judge] COURT that ordered the [commitment] EVALUATION AND THE CORRECTIONAL FACILITY, IF ANY, TO WHOSE CUSTODY THE DEFENDANT IS TO BE RELEASED notice of the proposed date and time of release AND HAVE THE DEFENDANT RETURNED TO THE COURT AS PROVIDED IN THE EVALUATION ORDER.

(g) (1) [In the event an individual committed under this section] IF A DEFENDANT leaves an evaluation facility without authorization, the responsibility of the Department is limited to notification of the court that [committed the individual] ORDERED THE DEFENDANT'S EVALUATION, as soon as it is reasonably possible.

(2) NOTICE UNDER THIS SUBSECTION SHALL CONSTITUTE PROBABLE

CAUSE FOR A COURT TO ISSUE A WARRANT FOR THE ARREST OF A DEFENDANT.”.
AMENDMENT NO. 10

On pages 11 through 14, strike in their entirety the lines beginning with line 6 on page 11 through line 3 on page 14, inclusive, and substitute:

“8-507.

(A) THIS SECTION APPLIES ONLY TO A DEFENDANT FOR WHOM:

(1) NO SENTENCE OF INCARCERATION IS CURRENTLY IN EFFECT;

AND

(2) NO DETAINER IS CURRENTLY LODGED.

[(a)] (B) [If] SUBJECT TO THE LIMITATIONS IN THIS SECTION, a court THAT finds in a criminal case that a defendant has an alcohol or drug dependency [, the court] may commit the defendant as a condition of release, after conviction, or at any other time the defendant voluntarily agrees to [treatment] PARTICIPATE IN TREATMENT, to the Department for [inpatient, residential, or outpatient] treatment THAT THE DEPARTMENT RECOMMENDS, EVEN IF:

(1) THE DEFENDANT DID NOT TIMELY FILE A MOTION FOR RECONSIDERATION UNDER MARYLAND RULE 4-345; OR

(2) THE DEFENDANT TIMELY FILED A MOTION FOR RECONSIDERATION UNDER MARYLAND RULE 4-345 WHICH WAS DENIED BY THE COURT.

[(b)] (C) Before a court [may commit] COMMITS a defendant to the Department [for treatment] UNDER THIS SECTION, the court shall:

(1) Offer the defendant the opportunity to receive treatment; [and]

(2) Obtain the written consent of the defendant:

(Over)

(i) To receive treatment; and

(ii) [For the reporting of] TO HAVE information REPORTED back to the court; [and]

(3) [Consult with the Administration] ORDER AN EVALUATION OF THE DEFENDANT UNDER § 8-505 OR § 8-506 OF THIS SUBTITLE;

(4) CONSIDER THE REPORT ON THE DEFENDANT'S EVALUATION;
AND

(5) FIND THAT THE TREATMENT THAT THE DEPARTMENT RECOMMENDS TO BE APPROPRIATE AND NECESSARY.

[(c)] (D) (1) The Department shall provide the services required by this section.

(2) A DESIGNEE OF THE DEPARTMENT MAY CARRY OUT ANY OF THE DEPARTMENT'S DUTIES UNDER THIS SECTION IF APPROPRIATE FUNDING IS PROVIDED.

(E) (1) A COURT MAY NOT ORDER THAT THE DEFENDANT BE DELIVERED FOR TREATMENT UNTIL THE DEPARTMENT GIVES THE COURT NOTICE THAT AN APPROPRIATE TREATMENT PROGRAM IS ABLE TO BEGIN TREATMENT OF THE DEFENDANT.

[(d)] (2) The Department shall [engage in reasonable efforts to] facilitate the [admission] PROMPT TREATMENT of a defendant [to the appropriate treatment facility].

(F) FOR A DEFENDANT COMMITTED FOR TREATMENT UNDER THIS SECTION, A COURT SHALL ORDER SUPERVISION OF THE DEFENDANT:

(1) BY AN APPROPRIATE PRETRIAL RELEASE AGENCY, IF THE DEFENDANT IS RELEASED PENDING TRIAL;

(2) BY THE DIVISION OF PAROLE AND PROBATION UNDER APPROPRIATE CONDITIONS IN ACCORDANCE WITH §§ 6-219 THROUGH 6-225 OF THE CRIMINAL PROCEDURE ARTICLE AND MARYLAND RULE 4-345, IF THE DEFENDANT IS RELEASED ON PROBATION; OR

(3) BY THE DEPARTMENT, IF THE DEFENDANT REMAINS IN THE CUSTODY OF A LOCAL CORRECTIONAL FACILITY.

[(e)] (G) [Unless the court allows the defendant to provide the defendant's own transportation, on commitment or release of a defendant under this subtitle, the] A court [shall] MAY order [transportation by] law enforcement officials, detention center staff, DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES STAFF, or sheriff's department staff within the APPROPRIATE local jurisdiction TO TRANSPORT A DEFENDANT TO AND FROM TREATMENT UNDER THIS SECTION.

[(f)] (H) [(1) A] THE DEPARTMENT SHALL PROMPTLY REPORT TO A COURT A defendant's withdrawal of consent to treatment [shall be promptly reported to the court.

(2) The defendant shall be] AND HAVE THE DEFENDANT returned to the court within 7 days for further proceedings.

[(g)] (I) A defendant who is committed for treatment under this section may question at any time the legality of the commitment by a petition for a writ of habeas corpus.

[(h)] (J) (1) A commitment under this section shall be for at least 72 hours and not more than 1 year.

(2) On good cause shown by [the Administration] THE DEPARTMENT, THE COURT, OR THE STATE, the court may extend the time period for providing the necessary treatment services in increments of 6 months.

(3) Except during the first 72 hours after [commitment, the Director or a designee of the Director] ADMISSION OF A DEFENDANT TO A TREATMENT PROGRAM, THE

DEPARTMENT may terminate the [commitment] TREATMENT if the [Director or the designee] DEPARTMENT determines that:

(i) Continued [commitment] TREATMENT is not in the best interest of the [individual] DEFENDANT; or

(ii) The [individual] DEFENDANT is no longer amenable to treatment.

[(i)] (K) When [an individual] A DEFENDANT is to be released from [a commitment] TREATMENT under this section, the [Director or the Director's designee] DEPARTMENT shall [consult with] NOTIFY the court [to determine if the individual is to be returned to the court] THAT ORDERED THE TREATMENT.

[(j)] (L) (1) [In the event an individual committed under this section] IF A DEFENDANT leaves [a] treatment [facility] without authorization, the responsibility of the Department is limited to the notification of the court that [committed the individual] ORDERED THE DEFENDANT'S TREATMENT as soon as it is reasonably possible.

(2) NOTICE UNDER THIS SUBSECTION SHALL CONSTITUTE PROBABLE CAUSE FOR A COURT TO ISSUE A WARRANT FOR THE ARREST OF A DEFENDANT.

[(k)] (M) Nothing in this section imposes any obligation on the [Administration] DEPARTMENT:

(1) To treat any defendant who knowingly and willfully declines to consent to further treatment; or

(2) In reporting to the court under this section, to include an assessment of a defendant's dangerousness to one's self, to another individual, or to the property of another individual by virtue of a drug or alcohol problem.

[(l)] (N) [Any time served by a criminal] TIME DURING WHICH A defendant IS held UNDER THIS SECTION for INPATIENT evaluation or [committed for] INPATIENT OR RESIDENTIAL treatment shall be credited against [the] ANY sentence imposed by the court THAT ORDERED THE EVALUATION OR TREATMENT.

(O) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT A COURT'S AUTHORITY TO ORDER DRUG TREATMENT IN LIEU OF INCARCERATION UNDER TITLE 5 OF THE CRIMINAL LAW ARTICLE.".

AMENDMENT NO. 11

On page 14, after line 23, insert:

“(9) NO PART OF THE FUND MAY REVERT OR BE CREDITED TO:

(I) THE GENERAL FUND OF THE STATE; OR

(II) ANY OTHER SPECIAL FUND OF THE STATE.”;

and in line 24, after “FOR” insert “THE FOLLOWING PURPOSES IN ORDER OF PRIORITY”.

On pages 15 through 17, strike in their entirety the lines beginning with line 6 on page 15 through line 19 on page 17, inclusive.

AMENDMENT NO. 12

On page 17, strike beginning with the first “THE” in line 27 down through “COUNTY” in line 29 and substitute “ON APPLICATION FROM A COUNTY, THE GOVERNOR OR THE GOVERNOR’S DESIGNEE MAY DESIGNATE A COUNTY CRIMINAL JUSTICE COORDINATING COUNCIL, SUBSTANCE ABUSE ADVISORY COUNCIL, OR OTHER AGENCY OR ORGANIZATION AS THE LOCAL DRUG AND ALCOHOL ABUSE COUNCIL FOR THAT COUNTY”; and in line 31, strike “NOT MORE THAN 17 OF”.

AMENDMENT NO. 13

On page 18, after line 6, insert:

“(5) THE STATE’S ATTORNEY FOR THE COUNTY, OR THE STATE’S ATTORNEY’S DESIGNEE;

(Over)

(6) THE DISTRICT PUBLIC DEFENDER FOR THE DISTRICT IN WHICH THE COUNTY IS LOCATED, OR THE DISTRICT PUBLIC DEFENDER’S DESIGNEE;”;

in lines 7, 10, 12, 15, 19, 21, and 23, strike “(5)”, “(6)”, “(7)”, “(8)”, “(9)”, “(10)”, and “(11)”, respectively, and substitute “(7)”, “(8)”, “(9)”, “(10)”, “(11)”, “(12)”, and “(13)”, respectively; in line 22, after the semicolon insert “AND”; and in line 28, strike “AT LEAST ONE SUBSTANCE ABUSE TREATMENT PROVIDER” and substitute “TWO SUBSTANCE ABUSE PROVIDERS, AT LEAST ONE OF WHOM HAS EXPERIENCE WITH SERVICES TO INDIVIDUALS WITH CO-OCCURRING SUBSTANCE ABUSE AND MENTAL HEALTH DISORDERS”.

On page 19, in line 22, strike “(E)” and substitute “(F)”; after line 34, insert:

“(G) A COUNTY OR UNIT OF A COUNTY APPLYING FOR FUNDS FROM A STATE UNIT FOR ANY ALCOHOL OR DRUG ABUSE EVALUATION, PREVENTION, OR TREATMENT SERVICES WITHIN THAT COUNTY SHALL SUBMIT THAT APPLICATION TO THE LOCAL DRUG AND ALCOHOL ABUSE COUNCIL FOR ITS CONSIDERATION.”;

in line 35, strike “(G)” and substitute “(H)”; and in the same line, strike “AFTER REVIEW OF AN APPLICATION OR GRANT PROPOSAL,”.

On page 20, strike beginning with “IN” in line 4 down through “SUBSECTION,” in line 5; strike in their entirety lines 12 through 21, inclusive; in line 22, strike “(J)” and substitute “(I)(1)”; in the same line, strike “A” and substitute “EACH”; strike beginning with “AND” in line 23 down through “COUNCIL” in line 24; and after line 24, insert:

“(2) THE ADMINISTRATION SHALL PROVIDE ANY FUNDS AVAILABLE FROM THE MARYLAND SUBSTANCE ABUSE FUND OR OTHER SOURCES FOR OPERATION OF A LOCAL COUNCIL ON SUBMISSION OF A REQUEST FOR FUNDS AND APPROVAL OF A BUDGET IN ACCORDANCE WITH ADMINISTRATION REGULATIONS.

(J) THE PLANNING, REPORTING, AND REVIEWING REQUIREMENTS FOR A LOCAL DRUG AND ALCOHOL ABUSE COUNCIL UNDER THIS SECTION DO NOT APPLY UNLESS APPROPRIATE STATE FUNDING FOR FULFILLING THE REQUIREMENTS HAS BEEN PROVIDED.”.

AMENDMENT NO. 14

On page 20, after line 32, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene shall provide to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly, a report on the implementation and status of this Act, including any costs or savings to the State as a result of the implementation of this Act, on or before December 31, 2005.

SECTION 5. AND BE IT FURTHER ENACTED, That, unless an appropriation of at least \$3,000,000 is dedicated in the fiscal year 2005 State budget as enacted by the General Assembly to specifically carry out the provisions of this Act, this Act, with no further action required by the General Assembly, shall be null and void and of no force and effect.”;

in line 33, strike “4.” and substitute “6.”; in the same line, after “That” insert “, subject to the provisions of Section 5 of this Act,”; in line 35, strike “5.” and substitute “7.”; in the same line, after “That,” insert “subject to the provisions of Section 5 of this Act and”; and in line 36, strike “4” and substitute “6”.