

SENATE BILL 194

Unofficial Copy
E4

2004 Regular Session
4lr0099
CF 4lr0038

By: **The President (By Request - Administration) and Senators Astle, Brochin, DeGrange, Garagiola, Giannetti, Haines, Harris, Hogan, Hooper, Jacobs, Jimeno, Kittleman, Kramer, McFadden, Munson, Schrader, and Stone**

Introduced and read first time: January 23, 2004
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Substance Abuse - Parole - Civil Commitment - Diversion**

3 FOR the purpose of requiring the Parole Commission to consider certain reports
4 relating to drug and alcohol use when considering suitability for parole under
5 certain circumstances; establishing procedures for certain criminal defendants
6 to receive certain dispositions in certain criminal cases under certain
7 circumstances; establishing a certain fee; requiring certain dispositions in
8 criminal cases to be entered in certain State records; altering procedures
9 relating to evaluation and treatment of criminal defendants for drug and alcohol
10 abuse under certain circumstances; requiring certain evaluations be conducted
11 in a certain manner; authorizing a court to order certain evaluations under
12 certain circumstances; authorizing a court to order certain treatment that the
13 Department of Health and Mental Hygiene or its local designee considers
14 necessary under certain circumstances; requiring that a defendant ordered to
15 treatment be supervised in a certain manner; establishing the Maryland
16 Substance Abuse Fund to be used for evaluation and treatment of criminal
17 defendants for certain drug or alcohol abuse problems; establishing certain
18 procedures relating to the Fund and money received by the Fund; requiring
19 counties to establish a local drug and alcohol council; establishing the
20 membership of the council; establishing certain procedures; requiring local
21 plans consisting of certain matters concerning drug and alcohol treatment;
22 providing for the staggering of the terms of certain members of a local drug and
23 alcohol council; providing for the effective dates of this Act; and generally
24 relating to drug and alcohol treatment.

25 BY repealing and reenacting, with amendments,
26 Article - Correctional Services
27 Section 7-305
28 Annotated Code of Maryland
29 (1999 Volume and 2003 Supplement)

30 BY adding to

1 Article - Criminal Procedure
2 Section 6-229
3 Annotated Code of Maryland
4 (2001 Volume and 2003 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article - Criminal Procedure
7 Section 10-105
8 Annotated Code of Maryland
9 (2001 Volume and 2003 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article - Health - General
12 Section 8-505 through 8-507, inclusive
13 Annotated Code of Maryland
14 (2000 Replacement Volume and 2003 Supplement)

15 BY adding to
16 Article - Health - General
17 Section 8-6A-01 to be under the new subtitle "Subtitle 6A. Maryland Substance
18 Abuse Fund"; and 8-1001 to be under the new subtitle "Subtitle 10. Local
19 Drug and Alcohol Councils"
20 Annotated Code of Maryland
21 (2000 Replacement Volume and 2003 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Transportation
24 Section 16-117 and 16-117.1
25 Annotated Code of Maryland
26 (2002 Replacement Volume and 2003 Supplement)

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

29 **Article - Correctional Services**

30 7-305.

31 Each hearing examiner and commissioner determining whether an inmate is
32 suitable for parole, and the Commission before entering into a predetermined parole
33 release agreement, shall consider:

- 34 (1) the circumstances surrounding the crime;
- 35 (2) the physical, mental, and moral qualifications of the inmate;

1 (3) the progress of the inmate during confinement, including the
 2 academic progress of the inmate in the mandatory education program required under
 3 § 22-102 of the Education Article;

4 (4) A REPORT ON A DRUG OR ALCOHOL EVALUATION ORDERED BY THE
 5 COMMISSION THAT HAS BEEN CONDUCTED UNDER REGULATIONS OF THE ALCOHOL
 6 AND DRUG ABUSE ADMINISTRATION, INCLUDING ANY RECOMMENDATIONS
 7 CONCERNING THE INMATE'S AMENABILITY FOR TREATMENT AND THE AVAILABILITY
 8 OF AN APPROPRIATE TREATMENT PROGRAM;

9 [(4)] (5) whether there is reasonable probability that the inmate, if
 10 released on parole, will remain at liberty without violating the law;

11 [(5)] (6) whether release of the inmate on parole is compatible with the
 12 welfare of society;

13 [(6)] (7) an updated victim impact statement or recommendation
 14 prepared under § 7-801 of this title;

15 [(7)] (8) any recommendation made by the sentencing judge at the time
 16 of sentencing;

17 [(8)] (9) any information that is presented to a commissioner at a
 18 meeting with the victim; and

19 [(9)] (10) any testimony presented to the Commission by the victim or the
 20 victim's designated representative under § 7-801 of this title.

21

Article - Criminal Procedure

22 6-229.

23 (A) THIS SECTION DOES NOT APPLY TO A PERSON CHARGED WITH A VIOLENT
 24 CRIME AS DEFINED UNDER § 7-101 OF THE CORRECTIONAL SERVICES ARTICLE OR
 25 WITH A VIOLATION OF § 5-612, § 5-613, § 5-614, § 5-621, § 5-622, OR § 5-628 OF THE
 26 CRIMINAL LAW ARTICLE.

27 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION:

28 (1) A NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL
 29 TREATMENT SHALL BE CONSIDERED A NOLLE PROSEQUI UNDER THE MARYLAND
 30 RULES; AND

31 (2) A STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL
 32 TREATMENT SHALL BE CONSIDERED A STET UNDER THE MARYLAND RULES,
 33 INCLUDING PROVISIONS FOR RESCHEDULING A TRIAL.

34 (C) (1) THE STATE'S ATTORNEY MAY MAKE AN OFFER TO A DEFENDANT
 35 THAT IF THE DEFENDANT QUALIFIES FOR DRUG OR ALCOHOL TREATMENT THE
 36 STATE'S ATTORNEY SHALL DISMISS THE CHARGE BY ENTERING A NOLLE PROSEQUI

1 WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT OR MOVE THAT THE
2 COURT INDEFINITELY POSTPONE TRIAL OF THE CHARGE BY MARKING THE CHARGE
3 STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT ON THE
4 DOCKET.

5 (2) IN ORDER TO QUALIFY FOR A NOLLE PROSEQUI WITH THE
6 REQUIREMENT OF DRUG OR ALCOHOL TREATMENT OR A STET WITH THE
7 REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT, A DEFENDANT SHALL BE
8 EVALUATED FOR DRUG OR ALCOHOL ABUSE UNDER REGULATIONS OF THE ALCOHOL
9 AND DRUG ABUSE ADMINISTRATION AND THE EVALUATION SHALL DETERMINE
10 WHETHER THE DEFENDANT IS AMENABLE TO TREATMENT AND, IF SO, RECOMMEND
11 AN APPROPRIATE TREATMENT PROGRAM.

12 (3) THE DRUG OR ALCOHOL TREATMENT PROGRAM SHALL BE
13 APPROVED UNDER REGULATIONS OF THE ALCOHOL AND DRUG ABUSE
14 ADMINISTRATION.

15 (4) IF A DEFENDANT QUALIFIED UNDER THIS SECTION ACCEPTS AN
16 OFFER DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION:

17 (I) THE DEFENDANT SHALL SIGN A WAIVER OF ANY RIGHTS THE
18 DEFENDANT MAY HAVE UNDER LAW PROHIBITING DISCLOSURE OF RECORDS OF
19 TREATMENT, THEREBY ALLOWING THE DISCLOSURE OF THE DISPOSITION OF NOLLE
20 PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT OR STET
21 WITH THE REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT TO CRIMINAL
22 JUSTICE UNITS; AND

23 (II) THE STATE'S ATTORNEY SHALL DISMISS THE CHARGE BY
24 ENTERING A NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL
25 TREATMENT OR MOVE THAT THE COURT INDEFINITELY POSTPONE TRIAL OF THE
26 CHARGE BY MARKING THE CHARGE STET WITH THE REQUIREMENT OF DRUG OR
27 ALCOHOL ABUSE TREATMENT ON THE DOCKET.

28 (D) (1) (I) A DEFENDANT WHO HAS RECEIVED A DISPOSITION OF NOLLE
29 PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT OR STET
30 WITH THE REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT MAY NOT
31 RECEIVE A DISPOSITION OF NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR
32 ALCOHOL TREATMENT OR STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL
33 ABUSE TREATMENT FOR CHARGES AGAINST THE DEFENDANT ARISING FROM A
34 SEPARATE INCIDENT THAT ARE NOT RESOLVED IN THE SAME PROCEEDING.

35 (II) THIS PARAGRAPH MAY NOT BE CONSTRUED TO PROHIBIT THE
36 STATE'S ATTORNEY OR THE COURT FROM ENTERING ANY OTHER APPROPRIATE
37 DISPOSITION IN A PROCEEDING, INCLUDING A DISPOSITION OF NOLLE PROSEQUI OR
38 STET IN ACCORDANCE WITH THE MARYLAND RULES, PROVIDED THAT THE
39 DISPOSITION IS NOT NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR
40 ALCOHOL TREATMENT OR STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL
41 ABUSE TREATMENT.

1 (2) IN THE MANNER PROVIDED BY LAW, A CLERK OF THE COURT SHALL
2 TRANSMIT A DISPOSITION OF NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG
3 OR ALCOHOL TREATMENT OR STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL
4 ABUSE TREATMENT FOR ENTRY INTO THE APPROPRIATE CRIMINAL RECORDS AND
5 MOTOR VEHICLE RECORDS AS PROVIDED BY LAW.

6 (E) (1) IN ADDITION TO ANY OTHER FEES, FINES, OR COSTS, UNLESS THE
7 COURT MAKES A FINDING ON THE RECORD THAT A DEFENDANT IS UNABLE BY
8 REASON OF INDIGENCY TO PAY THE COSTS, A PERSON WHO RECEIVES A DISPOSITION
9 OF NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT
10 OR STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT SHALL
11 PAY TO THE COURT AN ADMINISTRATIVE FEE OF \$150.

12 (2) THE FEE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION
13 SHALL BE PAID INTO THE MARYLAND SUBSTANCE ABUSE FUND UNDER § 8-6A-01 OF
14 THE HEALTH - GENERAL ARTICLE.

15 10-105.

16 (a) A person who has been charged with the commission of a crime, including
17 a violation of the Transportation Article for which a term of imprisonment may be
18 imposed, may file a petition listing relevant facts for expungement of a police record,
19 court record, or other record maintained by the State or a political subdivision of the
20 State if:

21 (1) the person is acquitted;

22 (2) the charge is otherwise dismissed;

23 (3) a probation before judgment is entered, unless the person is charged
24 with a violation of § 21-902 of the Transportation Article or Title 2, Subtitle 5 or §
25 3-211 of the Criminal Law Article;

26 (4) a nolle prosequi OR NOLLE PROSEQUI WITH THE REQUIREMENT OF
27 DRUG OR ALCOHOL TREATMENT is entered;

28 (5) the court indefinitely postpones trial of a criminal charge by marking
29 the criminal charge "stet" OR STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL
30 ABUSE TREATMENT on the docket;

31 (6) the case is compromised under § 3-207 of the Criminal Law Article;

32 (7) the charge was transferred to the juvenile court under § 4-202 of this
33 article; or

34 (8) the person:

35 (i) is convicted of only one criminal act, and that act is not a crime
36 of violence; and

1 (ii) is granted a full and unconditional pardon by the Governor.

2 (b) (1) Except as provided in paragraphs (2) and (3) of this subsection, a
3 person shall file a petition in the court in which the proceeding began.

4 (2) If the proceeding began in one court and was transferred to another
5 court, the person shall file the petition in the court to which the proceeding was
6 transferred.

7 (3) (i) If the proceeding in a court of original jurisdiction was appealed
8 to a court exercising appellate jurisdiction, the person shall file the petition in the
9 appellate court.

10 (ii) The appellate court may remand the matter to the court of
11 original jurisdiction.

12 (c) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
13 A petition for expungement based on an acquittal, a nolle prosequi, or a dismissal may
14 not be filed within 3 years after the disposition, unless the petitioner files with the
15 petition a written general waiver and release of all the petitioner's tort claims arising
16 from the charge.

17 (2) A petition for expungement based on a probation before judgment, A
18 NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT OR A
19 STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT may not
20 be filed earlier than the later of:

21 (i) the date the petitioner was discharged from probation OR THE
22 REQUIREMENTS OF OBTAINING DRUG OR ALCOHOL ABUSE TREATMENT WERE
23 COMPLETED; or

24 (ii) 3 years after the probation was granted OR THE NOLLE
25 PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT OR STET
26 WITH THE REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT WAS ENTERED
27 ON THE DOCKET.

28 (3) A petition for expungement based on a full and unconditional pardon
29 by the Governor may not be filed later than 10 years after the pardon was signed by
30 the Governor.

31 (4) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
32 A petition for expungement based on a stet or a compromise under § 3-207 of the
33 Criminal Law Article may not be filed within 3 years after the stet or compromise.

34 (5) A court may grant a petition for expungement at any time on a
35 showing of good cause.

36 (d) (1) The court shall have a copy of a petition for expungement served on
37 the State's Attorney.

1 (2) Unless the State's Attorney files an objection to the petition for
2 expungement within 30 days after the petition is served, the court shall pass an order
3 requiring the expungement of all police records and court records about the charge.

4 (e) (1) If the State's Attorney files a timely objection to the petition, the
5 court shall hold a hearing.

6 (2) If the court at the hearing finds that the person is entitled to
7 expungement, the court shall order the expungement of all police records and court
8 records about the charge.

9 (3) If the court finds that the person is not entitled to expungement, the
10 court shall deny the petition.

11 (4) The person is not entitled to expungement if:

12 (i) the petition is based on the entry of probation before judgment,
13 a nolle prosequi, or a stet, INCLUDING A NOLLE PROSEQUI WITH THE REQUIREMENT
14 OF DRUG OR ALCOHOL TREATMENT OR A STET WITH THE REQUIREMENT OF DRUG
15 OR ALCOHOL ABUSE TREATMENT, or the grant of a pardon by the Governor; and

16 (ii) the person:

17 1. since the full and unconditional pardon or entry, has been
18 convicted of a crime other than a minor traffic violation; or

19 2. is a defendant in a pending criminal proceeding.

20 (f) Unless an order is stayed pending an appeal, within 60 days after entry of
21 the order, every custodian of the police records and court records that are subject to
22 the order of expungement shall advise in writing the court and the person who is
23 seeking expungement of compliance with the order.

24 (g) (1) The State's Attorney is a party to the proceeding.

25 (2) A party aggrieved by the decision of the court is entitled to appellate
26 review as provided in the Courts Article.

27 **Article - Health - General**

28 8-505.

29 (a) (1) Before or during a criminal trial or prior to sentencing, the court may
30 order the Department, THROUGH ITS LOCAL DESIGNEE, to evaluate a defendant to
31 determine whether, by reason of drug or alcohol abuse, the defendant is in need of and
32 may benefit from treatment if:

33 (i) It appears to the court that the defendant has an alcohol or drug
34 abuse problem; or

1 (ii) The defendant alleges an alcohol or drug dependency.

2 (2) The court shall set and may change the conditions under which the
3 examination is to be conducted.

4 (3) AN EVALUATION UNDER THIS SECTION SHALL BE CONDUCTED BY
5 THE LOCAL DESIGNEE OF THE DEPARTMENT IN ACCORDANCE WITH REGULATIONS
6 ADOPTED BY THE DEPARTMENT.

7 (b) Except in a capital case, on consideration of the nature of the charge, the
8 court:

9 (1) May require or permit an examination to be conducted on an
10 outpatient basis; and

11 (2) If an outpatient examination is authorized, shall set bail for the
12 defendant or authorize the release of the defendant on personal recognizance.

13 (c) (1) If a defendant is to be held in custody for examination under this
14 section:

15 (i) The defendant may be confined in a detention facility until the
16 [Department] LOCAL DESIGNEE OF THE DEPARTMENT is able to conduct the
17 examination; or

18 (ii) The court may order confinement of the defendant in a medical
19 wing or other isolated and secure unit of a detention facility, if the court finds it
20 appropriate for the health or safety of the defendant.

21 (2) (i) If the court finds that, because of the apparent severity of the
22 alcohol or drug dependency or other medical or psychiatric complications, a defendant
23 in custody would be endangered by confinement in a jail, the court may order the
24 Department, THROUGH ITS LOCAL DESIGNEE, to either:

25 1. Place the defendant, pending examination, in [a] AN
26 APPROPRIATE health care facility [that the Department designates as appropriate];
27 or

28 2. [Have local health department staff, or other qualified
29 personnel who the Department finds appropriate, immediately] IMMEDIATELY
30 conduct an evaluation of the defendant.

31 (ii) Unless the Department OR ITS LOCAL DESIGNEE retains a
32 defendant, the defendant shall be promptly returned to the court after an
33 examination.

34 [(iii) A defendant who is detained for an examination under this
35 section may question at any time the legality of the detention by a petition for a writ
36 of habeas corpus.]

- 1 (d) (1) If a court orders an evaluation under this section, the evaluator shall:
- 2 (i) Conduct an evaluation of the defendant; and
- 3 (ii) Submit a complete report of the evaluation within 7 days to the:
- 4 1. Court;
- 5 2. Administration; and
- 6 3. Defendant or the defendant's attorney.
- 7 (2) On good cause shown, the court may extend the time for an
- 8 evaluation.

9 8-506.

10 (a) (1) A court may [commit a defendant to the Department] ORDER A
11 DEFENDANT TO BE EVALUATED ON AN INPATIENT BASIS FOR DRUG OR ALCOHOL
12 ABUSE if:

13 (i) The court finds it is not clinically appropriate for the defendant
14 to be evaluated in a detention facility or an appropriate outpatient facility; [or]

15 (ii) After an INITIAL evaluation [in a detention facility or an
16 outpatient facility] CONDUCTED BY A LOCAL DESIGNEE OF THE DEPARTMENT IN
17 ACCORDANCE WITH DEPARTMENT REGULATIONS, the [Department] INITIAL
18 EVALUATION recommends a comprehensive inpatient evaluation of the defendant;
19 AND

20 (III) THE DEPARTMENT OR A LOCAL DESIGNEE OF THE
21 DEPARTMENT CERTIFIES TO THE COURT THAT AN APPROPRIATE FACILITY IS EITHER
22 CURRENTLY, OR WITHIN A REASONABLE TIME WILL BE, AVAILABLE TO CONDUCT
23 THE EVALUATION.

24 (2) (I) [Before a court commits a defendant to the Department for
25 evaluation, the court shall consult with the Administration.] A DEFENDANT
26 ORDERED FOR EVALUATION UNDER THIS SECTION REMAINS IN THE LEGAL CUSTODY
27 OF THE COURT OR THE APPROPRIATE PRETRIAL RELEASE AGENCY OR
28 CORRECTIONAL FACILITY.

29 (II) A DEFENDANT WHO HAS NOT BEEN RELEASED PRIOR TO TRIAL
30 UNDER MARYLAND RULE 4-216 SHALL BE EVALUATED IN A SECURE FACILITY.

31 (3) IF AN APPROPRIATE EVALUATION FACILITY IS NOT AVAILABLE
32 UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION:

33 (I) THE COURT MAY NOT REQUIRE THE DEPARTMENT OR A LOCAL
34 DESIGNEE OF THE DEPARTMENT TO TAKE CUSTODY OF THE DEFENDANT;

1 (II) A DEFENDANT SHALL BE HELD IN CUSTODY OR RELEASED
2 ACCORDING TO LAW AS ORDERED BY THE COURT; AND

3 (III) THE DEPARTMENT OR A LOCAL DESIGNEE OF THE
4 DEPARTMENT SHALL PRESENT TO THE COURT A DATE BY WHICH THE EVALUATION
5 CAN BE CONDUCTED AND SHALL PROMPTLY NOTIFY THE COURT WHEN AN
6 APPROPRIATE EVALUATION FACILITY BECOMES AVAILABLE.

7 (b) The Department, ANOTHER FACILITY APPROVED BY THE DEPARTMENT,
8 OR A LOCAL DESIGNEE OF THE DEPARTMENT, shall provide the services required by
9 this section.

10 (c) The Department OR A LOCAL DESIGNEE OF THE DEPARTMENT shall have
11 the obligation to [engage in reasonable efforts to] facilitate the PROMPT admission of
12 a defendant to an appropriate evaluation facility.

13 (d) [Unless the court allows the defendant to provide the defendant's own
14 transportation, on commitment or release of a defendant under this subtitle, the]
15 THE court shall [order]:

16 (1) ORDER transportation OF THE DEFENDANT TO AN EVALUATION by
17 law enforcement officials, detention center staff, DIVISION OF CORRECTION STAFF, or
18 sheriff's department staff within the local jurisdiction; AND

19 (2) PROVIDE FOR THE RETURN OF THE DEFENDANT TO A DESIGNATED
20 LOCATION ON COMPLETION OF THE EVALUATION.

21 (e) (1) A [commitment] COURT ORDER FOR AN EVALUATION under this
22 section shall not [be] REQUIRE AN EVALUATION for more than 7 days unless the
23 medical condition of a defendant warrants an extension of a maximum of 14 days.

24 (2) Except during the first 72 hours after [commitment] ADMISSION,
25 the Director or a designee of the Director, INCLUDING A LOCAL DESIGNEE OF THE
26 DEPARTMENT, may terminate the [commitment] EVALUATION if the Director or the
27 designee determines that continued [commitment] EVALUATION:

28 (i) Is not in the best interest of an individual; or

29 (ii) Does not serve any useful purpose.

30 (f) (1) Before an individual is released from [commitment] AN
31 EVALUATION FACILITY under this section, the Director or a designee of the Director,
32 INCLUDING A LOCAL DESIGNEE OF THE DEPARTMENT, shall give the judge [that]
33 WHO ordered the [commitment] EVALUATION AND ANY CORRECTIONAL AGENCY TO
34 WHOM THE INDIVIDUAL IS COMMITTED notice of the proposed date and time of
35 release.

36 (2) ON COMPLETION OF THE EVALUATION, THE EVALUATION FACILITY
37 SHALL NOTIFY THE COURT AND THE DEFENDANT SHALL BE RETURNED IN
38 ACCORDANCE WITH THE PROVISIONS OF THE EVALUATION ORDER.

1 (g) In the event an individual [committed] ORDERED TO BE EVALUATED
2 under this section leaves an evaluation facility without authorization, the
3 responsibility of the Department OR A LOCAL DESIGNEE OF THE DEPARTMENT is
4 limited to notification of the court that [committed the individual] ISSUED THE
5 ORDER as soon as it is reasonably possible.

6 8-507.

7 (a) If a court finds in a criminal case that a defendant has an alcohol or drug
8 dependency, AS PROVIDED IN THIS SECTION the court may [commit] ORDER the
9 defendant as a condition of release, after conviction, or at any other time the
10 defendant voluntarily agrees to treatment [to the Department for] TO PARTICIPATE
11 IN inpatient, residential, or outpatient treatment APPROVED BY THE DEPARTMENT
12 OR A LOCAL DESIGNEE OF THE DEPARTMENT.

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

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

16 (2) Obtain the written consent of the defendant:

17 (i) To receive treatment; and

18 (ii) For the reporting of information back to the court; [and]

19 (3) [Consult with] ORDER AN EVALUATION OF THE DEFENDANT IN
20 ACCORDANCE WITH REGULATIONS ADOPTED BY the Administration; AND

21 (4) CONSIDER THE REPORT ON THE DEFENDANT'S EVALUATION.

22 (c) (1) [The] IF THE COURT ORDERS AN EVALUATION OF A DEFENDANT
23 FOR AN ALCOHOL OR DRUG DEPENDENCY, THE Department OR A LOCAL DESIGNEE
24 OF THE DEPARTMENT shall [provide the services required by this section]:

25 (I) ENSURE THAT THE EVALUATION IS CONDUCTED IN
26 ACCORDANCE WITH REGULATIONS ADOPTED BY THE ADMINISTRATION; AND

27 (II) REVIEW THE EVALUATION AFTER COMPLETION.

28 (2) IF THE EVALUATION REPORT RECOMMENDS TREATMENT, THE
29 REPORT SHALL:

30 (I) IDENTIFY SPECIFIC PROGRAMS CAPABLE OF PROVIDING THE
31 TREATMENT AS RECOMMENDED; AND

32 (II) IDENTIFY AN ACTUAL OR ESTIMATED DATE WHEN A FACILITY
33 CAN ADMIT THE DEFENDANT.

34 (D) (1) IF THE COURT AND THE DEPARTMENT OR A LOCAL DESIGNEE OF
35 THE DEPARTMENT CONSIDER TREATMENT TO BE APPROPRIATE AND NECESSARY,

1 THE COURT MAY ORDER THE DEFENDANT TO PARTICIPATE IN THE TREATMENT
2 RECOMMENDED BY THE DEPARTMENT OR A LOCAL DESIGNEE OF THE DEPARTMENT.

3 (2) A COURT MAY NOT ORDER THAT THE DEFENDANT BE DELIVERED
4 FOR TREATMENT:

5 (I) UNLESS THE DEPARTMENT OR A LOCAL DESIGNEE OF THE
6 DEPARTMENT RECOMMENDS TREATMENT; AND

7 (II) UNTIL THE DEPARTMENT OR A LOCAL DESIGNEE OF THE
8 DEPARTMENT NOTIFIES THE COURT THAT AN APPROPRIATE TREATMENT PROGRAM
9 IS AVAILABLE TO ADMIT THE DEFENDANT.

10 [(d)] (E) The Department OR A LOCAL DESIGNEE OF THE DEPARTMENT shall
11 [engage in reasonable efforts to] facilitate the PROMPT admission of a defendant to
12 the appropriate treatment facility.

13 [(e)] (f) [Unless the court allows the defendant to provide the defendant's
14 own transportation, on commitment or release of a defendant under this subtitle, the]
15 THE court [shall] MAY order transportation OF THE DEFENDANT TO A TREATMENT
16 FACILITY by law enforcement officials, detention center staff, DIVISION OF
17 CORRECTION STAFF, or sheriff's department staff within the local jurisdiction.

18 (G) A COURT MAY ORDER A DEFENDANT TO PARTICIPATE IN TREATMENT
19 UNDER THIS SECTION ONLY:

20 (1) AS A CONDITION OF PRETRIAL RELEASE OR PROBATION OR A
21 SUSPENDED SENTENCE UNDER §§ 6-219 THROUGH 6-225 OF THE CRIMINAL
22 PROCEDURE ARTICLE; AND

23 (2) IF THERE IS NO CURRENT COMMITMENT FOR INCARCERATION IN
24 EFFECT.

25 (H) (1) IF A COURT ORDERS A DEFENDANT TO UNDERGO TREATMENT
26 UNDER THIS SECTION, THE COURT SHALL ORDER THE DEFENDANT TO BE
27 SUPERVISED:

28 (I) IF THE DEFENDANT IS RELEASED PRETRIAL, BY THE
29 APPROPRIATE PRETRIAL RELEASE AGENCY OR LOCAL CORRECTIONAL FACILITY
30 UNDER APPROPRIATE CONDITIONS IN ACCORDANCE WITH MARYLAND RULE 4-216;
31 OR

32 (II) IF THE COURT RELEASES THE DEFENDANT ON PROBATION, BY
33 THE DIVISION OF PAROLE AND PROBATION UNDER APPROPRIATE CONDITIONS IN
34 ACCORDANCE WITH §§ 6-219 THROUGH 6-225 OF THE CRIMINAL PROCEDURE ARTICLE
35 AND MARYLAND RULE 4-346.

36 (2) A DEFENDANT ORDERED TO TREATMENT UNDER THIS SECTION MAY
37 NOT BE CONSIDERED TO BE IN THE CUSTODY OF THE DEPARTMENT.

1 [(f)] (I) (1) A defendant's withdrawal of consent to treatment shall
2 CONSTITUTE A VIOLATION OF CONDITIONS OF RELEASE AND SHALL be promptly
3 reported to the court.

4 (2) The defendant shall be returned to the court [within 7 days] ON
5 ISSUANCE OF A WARRANT for further proceedings.

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

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

11 (2) On good cause shown by the Administration OR A LOCAL DESIGNEE
12 OF THE DEPARTMENT, the court may extend the time period for providing the
13 necessary treatment services in increments of 6 months.

14 (3) Except during the first 72 hours after [commitment] ADMISSION OF
15 A DEFENDANT ORDERED FOR TREATMENT UNDER THIS SECTION, the Director or a
16 designee of the Director, INCLUDING A LOCAL DESIGNEE OF THE DEPARTMENT, may
17 terminate the [commitment] TREATMENT if the Director or the designee determines
18 that:

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

21 (ii) The individual is no longer amenable to treatment.

22 [(i)] (K) When an individual is to be released from a [commitment]
23 TREATMENT FACILITY under this section, the Director or the Director's designee,
24 INCLUDING A LOCAL DESIGNEE OF THE DEPARTMENT, shall [consult with] NOTIFY
25 the court [to determine if the individual is to be returned to the court].

26 [(j)] (L) In the event an individual [committed] ORDERED TO A TREATMENT
27 FACILITY under this section leaves a treatment facility without authorization, the
28 responsibility of the Department OR A LOCAL DESIGNEE OF THE DEPARTMENT is
29 limited to the notification of the court that [committed the individual] ORDERED THE
30 TREATMENT as soon as it is reasonably possible.

31 [(k)] (M) Nothing in this section imposes any obligation on the Administration
32 OR A LOCAL DESIGNEE OF THE DEPARTMENT:

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

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

1 (2) THE ADMINISTRATION SHALL ADMINISTER THE FUND IN
2 ACCORDANCE WITH THIS SECTION AND ALL OTHER APPLICABLE LAW.

3 (3) DISBURSEMENTS FROM THE FUND SHALL SUPPLEMENT AND MAY
4 NOT SUBSTITUTE FOR ANY OTHER FUNDS APPROPRIATED IN THE STATE BUDGET
5 FOR SUBSTANCE ABUSE EVALUATION AND TREATMENT SERVICES.

6 **Article - Transportation**

7 16-117.

8 (a) The Administration shall keep a record of:

9 (1) Each driver's license application that it receives;

10 (2) Each driver's license that it issues; and

11 (3) Each licensee whose license to drive the Administration has
12 suspended or revoked, and the reasons for the action.

13 (b) (1) The Administration shall file each accident report and abstract of
14 court disposition records that it receives under the laws of this State.

15 (2) The Administration shall keep convenient records or make suitable
16 notations showing the convictions or traffic accidents in which each licensee has been
17 involved and every probation before judgment disposition of any violation of the
18 Maryland Vehicle Law. A record or notation of a probation before judgment
19 disposition, A CHARGE DISMISSED BY THE STATE'S ATTORNEY ENTERING A NOLLE
20 PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT OR
21 POSTPONED INDEFINITELY BY THE COURT MARKING THE CHARGE STET WITH THE
22 REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT ON THE DOCKET, or a first
23 offense of driving with an alcohol concentration of 0.08 or more under § 16-205.1 of
24 this title, shall be segregated by the Administration and shall be available only to the
25 Administration, the courts, criminal justice agencies, and the defendant or the
26 defendant's attorney. However, a record or notation of a probation before judgment, A
27 CHARGE DISMISSED BY NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR
28 ALCOHOL TREATMENT OR POSTPONED INDEFINITELY BY THE COURT MARKING THE
29 CHARGE STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT
30 ON THE DOCKET, or a first offense of driving with an alcohol concentration of 0.08 or
31 more under § 16-205.1 of this title, may not be received or considered by the courts
32 until a plea of guilty or nolo contendere is made by the defendant or a finding of guilty
33 is made by the court.

34 (3) These records or notations shall be made so that they are readily
35 available for consideration by the Administration of any license renewal application
36 and at any other suitable time.

37 (4) Accident reports and abstracts of court convictions pertaining to
38 driving an emergency vehicle, if received by a person who was driving an emergency

1 vehicle pursuant to the provisions of § 21-106 of this article, shall be segregated by
2 the Administration and shall be available only to the Administration.

3 (5) Except as provided in this section, an employee of the Administration
4 may not disclose any records or information regarding probation before judgment, or
5 a first offense of driving with an alcohol concentration of 0.08 or more under §
6 16-205.1 of this title.

7 (c) If a charge of a Maryland Vehicle Law violation against any individual is
8 dismissed by a court of competent jurisdiction, a record of the charge and dismissal
9 may not be included in the individual's driving record.

10 16-117.1.

11 (a) In this section, "criminal offense" does not include any violation of the
12 Maryland Vehicle Law.

13 (b) Except as provided in subsection (c) of this section and in Subtitle 8 of this
14 title, if a licensee applies for the expungement of the licensee's public driving record,
15 the Administration shall expunge the record if, at the time of application:

16 (1) The licensee does not have charges pending for allegedly committing
17 a moving violation or a criminal offense involving a motor vehicle; and

18 (2) (i) The licensee has not been convicted of a moving violation or a
19 criminal offense involving a motor vehicle for the preceding 3 years, and the licensee's
20 license never has been suspended or revoked;

21 (ii) The licensee has not been convicted of a moving violation or a
22 criminal offense involving a motor vehicle for the preceding 5 years, and the licensee's
23 record shows not more than one suspension and no revocations; or

24 (iii) Within the preceding 10 years:

25 1. The licensee has not been convicted of [nor], been granted
26 probation before judgment FOR, OR HAD A CHARGE DISMISSED BY NOLLE PROSEQUI
27 WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT OR POSTPONED
28 INDEFINITELY BY THE COURT MARKING THE CHARGE STET WITH THE
29 REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT for a violation of § 20-102
30 or § 21-902 of this article;

31 2. The licensee's driving record shows no convictions from
32 another jurisdiction of a moving violation identical or substantially similar to §
33 20-102 or § 21-902 of this article; and

34 3. The licensee has not been convicted of any other moving
35 violation or criminal offense involving a motor vehicle, regardless of the number of
36 suspensions or revocations.

1 (c) The Administration may refuse to expunge a driving record if it determines
 2 that the individual requesting the expungement has not driven a motor vehicle on the
 3 highways during the particular conviction-free period on which the request is based.

4 (d) The Administration shall expunge from its driver record data base the
 5 driving record of an individual or a probation before judgment disposition of an
 6 individual:

7 (1) Who has not been convicted of a moving violation or criminal offense
 8 involving a motor vehicle for the preceding 3 years;

9 (2) Who has not been convicted of, [or] been granted probation before
 10 judgment for, OR HAD A CHARGE DISMISSED BY NOLLE PROSEQUI WITH THE
 11 REQUIREMENT OF DRUG OR ALCOHOL TREATMENT OR POSTPONED INDEFINITELY
 12 BY THE COURT MARKING THE CHARGE STET WITH THE REQUIREMENT OF DRUG OR
 13 ALCOHOL ABUSE TREATMENT ON THE DOCKET FOR:

14 (i) A violation of § 20-102 of this article;

15 (ii) A violation of § 21-902 of this article; or

16 (iii) A moving violation identical or substantially similar to § 20-102
 17 or § 21-902 of this article; and

18 (3) Whose license or privilege to drive never has been suspended or
 19 revoked.

20 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 21 read as follows:

22 **Article - Health - General**

23 **SUBTITLE 10. LOCAL DRUG AND ALCOHOL ABUSE COUNCILS.**

24 8-1001.

25 (A) EACH COUNTY SHALL HAVE A LOCAL DRUG AND ALCOHOL ABUSE
 26 COUNCIL.

27 (B) THE GOVERNOR OR THE GOVERNOR'S DESIGNEE MAY DESIGNATE ANY
 28 AGENCY OR ORGANIZATION IN EXISTENCE ON JULY 1, 2004, AS THE LOCAL DRUG AND
 29 ALCOHOL ABUSE COUNCIL FOR THAT COUNTY.

30 (C) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A LOCAL
 31 DRUG AND ALCOHOL ABUSE COUNCIL SHALL CONSIST OF NOT MORE THAN 17 OF
 32 THE FOLLOWING INDIVIDUALS:

33 (1) THE HEALTH OFFICER OF THE LOCAL HEALTH DEPARTMENT, OR
 34 THE HEALTH OFFICER'S DESIGNEE;

1 (2) THE DIRECTOR OF THE LOCAL DEPARTMENT OF SOCIAL SERVICES,
2 OR THE DIRECTOR'S DESIGNEE;

3 (3) THE REGIONAL DIRECTOR OF THE DEPARTMENT OF JUVENILE
4 SERVICES, OR THE DIRECTOR'S DESIGNEE;

5 (4) THE REGIONAL DIRECTOR OF THE DIVISION OF PAROLE AND
6 PROBATION, OR THE DIRECTOR'S DESIGNEE;

7 (5) THE CHIEF OF THE COUNTY POLICE DEPARTMENT, IF THE COUNTY
8 HAS A POLICE FORCE, OR THE SHERIFF, IF THE COUNTY DOES NOT HAVE A POLICE
9 FORCE, OR THAT INDIVIDUAL'S DESIGNEE;

10 (6) THE PRESIDENT OF THE LOCAL BOARD OF EDUCATION, OR THE
11 PRESIDENT'S DESIGNEE;

12 (7) A REPRESENTATIVE OF THE COUNTY EXECUTIVE, THE MAYOR OF
13 BALTIMORE CITY, OR THE COUNTY COMMISSIONERS OR COUNTY COUNCIL IN
14 COUNTIES WITH NO COUNTY EXECUTIVE, AS APPROPRIATE;

15 (8) FOR CHARTER COUNTIES AND IN BALTIMORE CITY, A
16 REPRESENTATIVE OF THE COUNTY COUNCIL OR THE CITY COUNCIL IN BALTIMORE
17 CITY, APPOINTED BY THE CHAIRPERSON OR PRESIDENT OF THE COUNTY COUNCIL
18 OR CITY COUNCIL;

19 (9) THE COUNTY ADMINISTRATIVE JUDGE OF THE CIRCUIT COURT FOR
20 THE COUNTY, OR THE JUDGE'S DESIGNEE;

21 (10) THE ADMINISTRATIVE JUDGE OF THE DISTRICT COURT FOR THAT
22 DISTRICT, OR THE JUDGE'S DESIGNEE;

23 (11) THE FOLLOWING INDIVIDUALS APPOINTED BY THE COUNTY
24 EXECUTIVE, THE MAYOR OF BALTIMORE CITY, OR THE COUNTY COMMISSIONERS OR
25 COUNTY COUNCIL IN COUNTIES WITH NO COUNTY EXECUTIVE, AS APPROPRIATE:

26 (I) AT LEAST ONE RECIPIENT OF ADDICTIONS TREATMENT
27 SERVICES;

28 (II) AT LEAST ONE SUBSTANCE ABUSE TREATMENT PROVIDER;

29 (III) AT LEAST ONE SUBSTANCE ABUSE PREVENTION PROVIDER;

30 (IV) AT LEAST ONE INDIVIDUAL WHO IS KNOWLEDGEABLE AND
31 ACTIVE ON SUBSTANCE ABUSE ISSUES THAT AFFECT THE COUNTY;

32 (V) THE SUPERINTENDENT, WARDEN, OR DIRECTOR OF THE LOCAL
33 CORRECTIONAL FACILITY LOCATED IN THE COUNTY OR IN BALTIMORE CITY THE
34 WARDEN OF THE BALTIMORE CITY DETENTION CENTER; AND

35 (VI) AT LEAST ONE OTHER INDIVIDUAL WHO IS KNOWLEDGEABLE
36 ABOUT TREATMENT OF SUBSTANCE ABUSE IN THE COUNTY, INCLUDING MEMBERS

1 OF CIVIC ORGANIZATIONS, THE CHAMBER OF COMMERCE, HEALTH CARE
2 PROFESSIONAL ORGANIZATIONS, OR THE CLERGY.

3 (D) (1) THE TERM OF A MEMBER APPOINTED UNDER SUBSECTION (C)(11) OF
4 THIS SECTION IS 4 YEARS.

5 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY
6 THE TERMS PROVIDED FOR MEMBERS OF THE COUNCIL ON JULY 1, 2004.

7 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE
8 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

9 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN
10 SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED
11 AND QUALIFIES.

12 (E) THE LOCAL DRUG AND ALCOHOL ABUSE COUNCIL SHALL:

13 (1) DETERMINE ITS OWN GOVERNING STRUCTURE, INCLUDING ISSUES
14 RELATING TO APPOINTMENT OF A MEMBER TO SERVE AS CHAIRMAN;

15 (2) DEVELOP AND SUBMIT A PLAN TO THE ADMINISTRATION AS
16 REQUIRED IN THIS SECTION;

17 (3) SUBMIT A SUMMARY REPORT TO THE GOVERNOR OR THE
18 GOVERNOR'S DESIGNEE ON OR BEFORE DECEMBER 1, 2004, ON ITS MEMBERSHIP,
19 ORGANIZATION, RULES, PROGRESS IN DEVELOPING A PLAN, AND COMPLIANCE WITH
20 THIS SECTION; AND

21 (4) (I) ON JULY 1, 2005, AND EVERY 2 YEARS THEREAFTER, SUBMIT A
22 LOCAL PLAN AS DESCRIBED IN SUBSECTION (E) OF THIS SECTION TO THE GOVERNOR,
23 OR THE GOVERNOR'S DESIGNEE; AND

24 (II) REPORT EVERY 6 MONTHS TO THE ADMINISTRATION ON ITS
25 PROGRESS IN IMPLEMENTING THE PLAN.

26 (F) A LOCAL PLAN SHALL:

27 (1) INCLUDE THE PLANS, STRATEGIES, AND PRIORITIES OF THE COUNTY
28 FOR MEETING THE IDENTIFIED NEEDS OF THE GENERAL PUBLIC AND THE CRIMINAL
29 JUSTICE SYSTEM FOR ALCOHOL AND DRUG ABUSE EVALUATION, PREVENTION, AND
30 TREATMENT SERVICES;

31 (2) INCLUDE A SURVEY OF ALL FEDERAL, STATE, LOCAL, AND PRIVATE
32 FUNDS USED IN THE COUNTY FOR ALCOHOL AND DRUG ABUSE EVALUATION,
33 PREVENTION, AND TREATMENT; AND

34 (3) BE IN A FORMAT AS PRESCRIBED BY THE ADMINISTRATION.

35 (G) (1) AFTER REVIEW OF AN APPLICATION OR GRANT PROPOSAL, THE
36 LOCAL DRUG AND ALCOHOL ABUSE COUNCIL MAY RECOMMEND TO ANY FEDERAL OR

1 STATE UNIT OR PRIVATE FOUNDATION THAT AN APPLICATION FOR ANY FUNDS FOR
2 DRUG OR ALCOHOL ABUSE EVALUATION, PREVENTION, OR TREATMENT SERVICES IN
3 THE COUNTY BE APPROVED.

4 (2) (I) IN CONDUCTING A REVIEW UNDER PARAGRAPH (1) OF THIS
5 SUBSECTION, A LOCAL DRUG AND ALCOHOL ABUSE COUNCIL SHALL CONSIDER
6 WHETHER THE GRANT APPLICATION IS CONSISTENT WITH THE LOCAL PLAN AND
7 THE STRATEGIES AND PRIORITIES SET OUT IN THE LOCAL PLAN.

8 (II) A RECOMMENDATION BY A LOCAL DRUG AND ALCOHOL ABUSE
9 COUNCIL MAY INCLUDE ANY ADDITIONAL INFORMATION THE COUNCIL CONSIDERS
10 USEFUL TO THE GOVERNMENTAL UNIT OR PRIVATE FOUNDATION IN ITS
11 CONSIDERATION OF THE APPLICATION.

12 (H) A STATE UNIT MAY NOT APPROVE AN APPLICATION FROM A COUNTY OR
13 UNIT OF A COUNTY FOR FUNDS FOR ANY ALCOHOL OR DRUG ABUSE EVALUATION,
14 PREVENTION, OR TREATMENT SERVICES WITHIN THAT COUNTY UNLESS THE
15 APPLICATION HAS BEEN SUBMITTED FOR REVIEW TO THE LOCAL DRUG AND
16 ALCOHOL ABUSE COUNCIL.

17 (I) THE LOCAL DRUG AND ALCOHOL ABUSE COUNCIL MAY SUBMIT
18 RECOMMENDATIONS TO THE COUNTY OR THE ADMINISTRATION REGARDING
19 LEGISLATION OR PROGRAMS THAT MAY BE APPROPRIATE TO THE IMPROVEMENT OF
20 ALCOHOL AND DRUG ABUSE EVALUATION, PREVENTION, AND TREATMENT
21 SERVICES.

22 (J) THE ADMINISTRATION MAY PROVIDE A LOCAL DRUG AND ALCOHOL
23 ABUSE COUNCIL WITH ANY NECESSARY TECHNICAL ASSISTANCE AND ANY FUNDS
24 THAT MAY BE AVAILABLE FOR OPERATION OF THE COUNCIL.

25 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
26 members of a local Drug and Alcohol Abuse Council appointed under § 8-1001(c)(11)
27 of the Health - General Article of the Annotated Code of Maryland shall expire as
28 follows:

29 (1) One member in 2005;

30 (2) One member in 2006;

31 (3) One member in 2007; and

32 (4) The remaining members in 2008.

33 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
34 take effect July 1, 2004.

35 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in
36 Section 4 of this Act, this Act shall take effect October 1, 2004.