



1 **Article - Criminal Procedure**

2 10-201.

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

4 (f) (1) "Criminal justice unit" means a government unit or subunit that  
5 allocates a substantial part of its annual budget to any of the following functions and  
6 that by law:7 (i) may arrest, detain, prosecute, or adjudicate persons suspected  
8 of or charged with a crime;

9 (ii) is responsible for the:

10 1. custodial treatment or confinement under Title 3 of this  
11 article of persons charged or convicted of a crime or relieved of criminal punishment  
12 by reason of a verdict of not criminally responsible; OR13 2. EVALUATION, PLACEMENT, OR TREATMENT OF PERSONS  
14 CHARGED OR CONVICTED OF A CRIME AND COMMITTED TO THE DEPARTMENT OF  
15 HEALTH AND MENTAL HYGIENE UNDER § 8-505, § 8-506, OR § 8-507 OF THE HEALTH -  
16 GENERAL ARTICLE;17 (iii) is responsible for the correctional supervision, rehabilitation, or  
18 release of persons convicted of a crime; or19 (iv) is responsible for criminal identification activities and the  
20 collection, storage, and dissemination of criminal history record information.21 (2) "Criminal justice unit" includes, when exercising jurisdiction over  
22 criminal matters, alternative dispositions of criminal matters, or criminal history  
23 record information:24 (i) a State, county, or municipal police unit, sheriff's office, or  
25 correctional facility;26 (ii) a unit required to report to the Central Repository under §  
27 3-107 or § 3-112 of this article;28 (iii) the offices of the Attorney General, State's Attorneys, and any  
29 other person or unit that by law may prosecute persons accused of a crime; and30 (iv) the Administrative Office of the Courts, the Court of Appeals,  
31 the Court of Special Appeals, the circuit courts, the District Court of Maryland, and  
32 the offices of the clerks of these courts.33 (3) Except as provided in §§ 10-215(a)(21) and (22), 10-216(d), and  
34 10-220 of this subtitle, "criminal justice unit" does not include:

35 (i) the Department of Juvenile Services; or

1 (ii) a juvenile court.

2 **Article - Health - General**

3 8-505.

4 (a) (1) Before or during a criminal trial or before sentencing, the court may  
5 order the Department to evaluate a defendant to determine whether, by reason of  
6 drug or alcohol abuse, the defendant is in need of and may benefit from treatment if:

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

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

10 (2) A court shall set and may change the conditions under which an  
11 examination is to be conducted under this section.

12 (3) The Department shall ensure that each evaluation under this section  
13 is conducted in accordance with regulations adopted by the Department.

14 8-506.

15 (a) A court may commit a defendant to the Department for inpatient  
16 evaluation as to drug or alcohol abuse if:

17 (1) The court finds it is not clinically appropriate for the defendant to be  
18 evaluated in a detention facility or an appropriate outpatient facility; and

19 (2) After an initial evaluation, the Department:

20 (i) Recommends a comprehensive inpatient evaluation of the  
21 defendant;

22 (ii) Certifies that an appropriate facility is either currently, or  
23 within a reasonable time will be able to, conduct the evaluation;

24 (iii) Provides to the court a date by which the evaluation can be  
25 conducted; and

26 (iv) Gives the court prompt notice when an evaluation can be  
27 conducted.

28 8-507.

29 (a) This section applies only to a defendant for whom:

30 (1) No sentence of incarceration is currently in effect; and

31 (2) No detainer is currently lodged.

1 (b) Subject to the limitations in this section, a court that finds in a criminal  
2 case that a defendant has an alcohol or drug dependency may commit the defendant  
3 as a condition of release, after conviction, or at any other time the defendant  
4 voluntarily agrees to participate in treatment, to the Department for treatment that  
5 the Department recommends, even if:

6 (1) The defendant did not timely file a motion for reconsideration under  
7 Maryland Rule 4-345; or

8 (2) The defendant timely filed a motion for reconsideration under  
9 Maryland Rule 4-345 which was denied by the court.

10 (c) Before a court commits a defendant to the Department under this section,  
11 the court shall:

12 (1) Offer the defendant the opportunity to receive treatment;

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

14 (i) To receive treatment; and

15 (ii) To have information reported back to the court;

16 (3) Order an evaluation of the defendant under § 8-505 or § 8-506 of this  
17 subtitle;

18 (4) Consider the report on the defendant's evaluation; and

19 (5) Find that the treatment that the Department recommends to be  
20 appropriate and necessary.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2006.