

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 281

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “circumstances;” insert “establishing certain immunity from civil liability for certain persons;”; strike beginning with “requiring” in line 6 down through “date;” in line 11; strike beginning with “an” in line 12 down through “team” in line 14 and substitute “a certain plan to divert certain individuals with a serious mental illness to certain types of services;”; strike beginning with “develop” in line 14 down through “requiring” in line 15 and substitute “work with;”; in line 15, after “to” insert “develop a plan to;”; and in line 22, after “card;” insert “expressing the intent of the General Assembly that the Mental Hygiene Administration expend no more than a certain amount of money in a certain year to implement the provisions of this Act;”.

On page 2, in line 8, strike “and 15–104.1”.

AMENDMENT NO. 2

On page 2, in line 15, strike “**ON THE RECOMMENDATION OF A HEALTH CARE PROVIDER, THE**” and substitute “**THE**”; in line 16, after “**INMATE**” insert “**WHO HAS BEEN SENTENCED TO A TERM OF INCARCERATION IN THE DIVISION OF CORRECTION AND WHO HAS BEEN DIAGNOSED**”; in line 17, after “**ILLNESS**” insert “**ON THE RELEASE OF THE INMATE**”; in line 18, strike “**SUBJECT TO SUBSECTION (C) OF THIS SECTION, PART**” and substitute “**PART**”; in line 20, after “**PRESCRIPTION**” insert “**IF THE INMATE IS PROVIDED SUFFICIENT MEDICATION ON RELEASE THAT ENABLES THE INMATE TO REMAIN MEDICATION-COMPLIANT UNTIL ADDITIONAL MEDICATION BECOMES AVAILABLE FROM FILLING THE PRESCRIPTION**”; strike in their entirety lines 21 through 23, inclusive, and substitute:

(Over)

“(C) THIS SECTION SHALL APPLY ONLY IF A TREATING PHYSICIAN DETERMINES THAT:

(1) THE RELEASED INMATE’S POSSESSION OF MEDICATION IN THE QUANTITY PRESCRIBED IS IN THE BEST INTEREST OF THE INMATE; AND

(2) POSSESSION OF THE PRESCRIBED MEDICATION WILL NOT CONSTITUTE A DANGER TO THE RELEASED INMATE.

(D) THE DEPARTMENT, AN EMPLOYEE OF THE DEPARTMENT, OR AN AGENT OF THE DEPARTMENT, INCLUDING A PHYSICIAN OR CORPORATE ENTITY PROVIDING MEDICAL SERVICES TO INMATES ON BEHALF OF THE DEPARTMENT, MAY NOT BE HELD LIABLE UNDER THIS SECTION FOR ISSUING MEDICATION OR A PRESCRIPTION FOR MEDICATION TO AN INMATE ON THE INMATE’S RELEASE NOTWITHSTANDING THAT THE RELEASED INMATE:

(1) IS NO LONGER UNDER THE CARE OR SUPERVISION OF THE PRESCRIBING PHYSICIAN; AND

(2) MAY NOT BE UNDER ANY MEDICAL SUPERVISION FOR THE PERIOD DURING WHICH THE MEDICATION HAS BEEN ADMINISTERED.”;

in line 26, strike “REIMBURSE” and substitute “COMPENSATE”; strike beginning with the first “WITH” in line 28 down through “RELEASE” in line 29 and substitute “OF INMATES WHO ARE:

(1) IDENTIFIED BY THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES AS HAVING A SERIOUS MENTAL ILLNESS; AND

(2) EXPECTED TO BE WITHIN 3 MONTHS OF RELEASE”;

and in line 30, strike “**15-104.1.**”.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 1 through 23, inclusive.

AMENDMENT NO. 4

On pages 3 and 4, strike in their entirety the lines beginning with line 25 on page 3 through line 5 on page 4, inclusive, and substitute:

“(a) (1) The Mental Hygiene Administration shall develop a plan for the State to divert individuals with serious mental illnesses who come in contact with the criminal justice system to inpatient or outpatient mental health services if such services are more appropriate than confinement of the individual in a correctional facility.

(2) If determined to be feasible and appropriate, the plan required under this section shall include:

(i) coordination with and expansion of community mental health crisis response services; and

(ii) the expansion of the Forensic Alternative Services Team or the Maryland Community Criminal Justice Treatment Program, with due consideration given to the unique needs and existing programs operating in local jurisdictions.”.

AMENDMENT NO. 5

On page 4, strike beginning with “develop” in line 12 down through “State” in line 13 and substitute “work with each core service agency to develop a plan”; and in line 18, strike “requires the local detention center to electronically submit” and substitute “implements electronic submission by the local detention center of”.

(Over)

AMENDMENT NO. 6

On pages 4 and 5, strike in their entirety the lines beginning with line 26 on page 4 through line 4 on page 5, inclusive, and substitute:

“(4) provides a mechanism for a core service agency, with the arrestee’s consent, to:

(i) share treatment information with the detention center health care provider; and

(ii) make necessary linkages to the community service provider network to ensure that treatment information is available to appropriate detention center staff.”.

On page 5, in line 14, strike “under the federal REAL ID Act of 2005 and complies” and substitute “to comply”; in line 19, strike “of the”; after line 20, insert:

“SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Mental Hygiene Administration expend no more than \$150,000 in fiscal 2008 to implement the provisions of this Act.”;

and in line 21, strike “5.” and substitute “6.”.