

SENATE BILL 989

D1, E2, E1

3lr3274

By: **Senator Muse**

Introduced and read first time: February 18, 2013

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Task Force to Study Court–Ordered Drug Testing**

3 FOR the purpose of establishing a Task Force to Study Court–Ordered Drug Testing;
4 providing for the membership and duties of the Task Force; providing for the
5 staffing of the Task Force; requiring the Governor to appoint the chair of the
6 Task Force; prohibiting a member of the Task Force from receiving certain
7 compensation; authorizing a member of the Task Force to receive
8 reimbursement for certain expenses; requiring the Task Force to report to the
9 General Assembly by a certain date; providing for the termination of this Act;
10 and generally relating to the establishment of a Task Force to Study
11 Court–Ordered Drug Testing.

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That:

14 (a) There is a Task Force to Study Court–Ordered Drug Testing.

15 (b) The Task Force consists of the following members:

16 (1) one member of the Senate of Maryland, appointed by the President
17 of the Senate;

18 (2) one member of the House of Delegates, appointed by the Speaker of
19 the House;

20 (3) the chair of the Maryland Judicial Conference, or the chair's
21 designee;

22 (4) the Secretary of Public Safety and Correctional Services, or the
23 Secretary's designee;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (5) the Commissioner of Correction, or the Commissioner's designee;

2 (6) the Secretary of State Police, or the Secretary's designee;

3 (7) the Maryland Public Defender, or the Public Defender's designee;

4 (8) the Attorney General, or the Attorney General's designee; and

5 (9) the following individuals appointed by the Governor:

6 (i) a Maryland State's Attorney;

7 (ii) a representative of the Maryland State Bar Association;

8 (iii) a representative of the drug testing industry; and

9 (iv) a representative of a drug treatment agency in the State.

10 (c) The Governor shall appoint a chair of the Task Force from its
11 membership.

12 (d) The Secretary of Public Safety and Correctional Services shall provide
13 staff support for the Task Force from the Department of Public Safety and
14 Correctional Services.

15 (e) A member of the Task Force:

16 (1) may not receive compensation as a member of the Task Force; but

17 (2) is entitled to reimbursement for expenses under the Standard
18 State Travel Regulations, as provided in the State budget.

19 (f) The Task Force shall:

20 (1) examine current State laws relating to court-ordered drug testing
21 of participants in the criminal justice system;

22 (2) examine and report on the issue of the limitations, if any, on the
23 power of State criminal courts to order drug testing, including the length, frequency,
24 and costs of the testing and the relevance of testing to the crime being prosecuted;

25 (3) examine and report on how State courts currently decide on
26 whether and what type of drug testing should be ordered in criminal cases;

27 (4) examine and report on the costs charged by drug-testing agencies
28 to conduct court-ordered drug testing and whether changes can be made to reduce the
29 costs of this drug testing; and

1 (5) make recommendations, if warranted, on changes to relevant laws,
2 regulations, and rules of court to improve the process by which a State court orders a
3 participant in the criminal justice system to be drug tested.

4 (g) On or before December 31, 2013, the Task Force shall report its findings
5 and recommendations to the General Assembly, in accordance with § 2-1246 of the
6 State Government Article.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 June 1, 2013. It shall remain effective for a period of 1 year and 1 month and, at the
9 end of June 30, 2014, with no further action required by the General Assembly, this
10 Act shall be abrogated and of no further force and effect.