

SB0233/858070/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 233
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “enter a certain commitment”; in the same line, after “order” insert “a certain defendant committed to a certain facility”; strike beginning with “facilitate” in line 5 down through “in” in line 6 and substitute “admit a certain defendant to”; strike beginning with “on” in line 6 down through “order” in line 7 and substitute “within a certain time period”; strike beginning with “establishing” in line 8 down through “placement;” in line 12; and in line 13, strike “making certain stylistic changes” and substitute “altering the number of days after receiving a certain report within which a court is required to hold a certain hearing”.

AMENDMENT NO. 2

On page 2, strike beginning with “MAINTAINED” in line 20 down through “§ 10-406” in line 21 and substitute “AS DEFINED IN § 10-101”; in line 22, strike “OR”; in line 23, after “STATE” insert “FORENSIC”; strike beginning with “MAINTAINED” in line 23 down through “ARTICLE” in line 25 and substitute “; OR”.

(III) A HOSPITAL OR PRIVATE RESIDENTIAL FACILITY UNDER CONTRACT WITH THE HEALTH DEPARTMENT TO HOUSE AND TREAT INDIVIDUALS FOUND TO BE INCOMPETENT TO STAND TRIAL OR NOT CRIMINALLY RESPONSIBLE”.

On page 6, strike beginning with “MAINTAINED” in line 9 down through “§ 10-406” in line 10 and substitute “AS DEFINED IN § 10-101”; in line 11, strike “OR”; in line 12, after “STATE” insert “FORENSIC”; strike beginning with “MAINTAINED” in line 12 down through “ARTICLE” in line 14 and substitute “; OR”.

(Over)

(III) A HOSPITAL OR PRIVATE RESIDENTIAL FACILITY UNDER CONTRACT WITH THE HEALTH DEPARTMENT TO HOUSE AND TREAT INDIVIDUALS FOUND TO BE INCOMPETENT TO STAND TRIAL OR NOT CRIMINALLY RESPONSIBLE".

On page 3, in lines 3 and 11, in each instance, strike the bracket; in the same lines, in each instance, strike "MARYLAND"; strike beginning with "OF" in line 3 down through "HEALTH" in line 4; and in line 11, strike "OF HEALTH".

On page 4, in lines 17 and 27, in each instance, strike the bracket; in lines 18 and 27, in each instance, strike "MARYLAND"; and in the same lines, in each instance, strike "OF HEALTH".

On page 5, in line 29, strike "paragraph (1) of"; and in line 30, strike "(E)" and substitute "(E)(1)".

On page 6, in lines 21 and 24, in each instance, strike the bracket; in the same lines, in each instance, strike "MARYLAND"; and in lines 22 and 25, in each instance, strike "OF HEALTH".

On page 7, in lines 24 and 27, in each instance, strike the bracket; in lines 25 and 27, in each instance, strike "MARYLAND"; and in lines 25 and 28, in each instance, strike "OF HEALTH".

On page 3, in line 1, strike "ENTER AN"; in line 2, strike "THAT"; in the same line, strike "BE"; strike beginning with the first "BY" in line 2 down through "ORDER" in line 3; strike beginning with "(I)" in line 13 down through "ORDER;" in line 17 and substitute "**IF THE COURT COMMITS A DEFENDANT TO THE HEALTH DEPARTMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE HEALTH DEPARTMENT SHALL:**

(I) ADMIT THE DEFENDANT TO A DESIGNATED HEALTH CARE FACILITY AS SOON AS POSSIBLE, BUT NOT LATER THAN 10 BUSINESS DAYS AFTER THE HEALTH DEPARTMENT RECEIVES THE ORDER OF COMMITMENT;”;

and in line 18, strike “**2.**” and substitute “**(II)**”.

On page 6, in line 19, strike “ENTER AN”; in line 20, strike “THAT”; in the same line, strike “BE”; strike beginning with the first “BY” in line 20 down through “ORDER” in line 21; strike beginning with “(1)” in line 27 down through “ORDER;” in line 31 and substitute “**IF THE COURT COMMITS A DEFENDANT TO THE HEALTH DEPARTMENT UNDER SUBSECTION (B) OR (C) OF THIS SECTION, THE HEALTH DEPARTMENT SHALL:**

(1) ADMIT THE DEFENDANT TO A DESIGNATED HEALTH CARE FACILITY AS SOON AS POSSIBLE, BUT NOT LATER THAN 10 BUSINESS DAYS AFTER THE HEALTH DEPARTMENT RECEIVES THE ORDER OF COMMITMENT;”;

and in line 32, strike “(II)” and substitute “**(2)**”.

On pages 3 and 4, strike in their entirety the lines beginning with line 20 on page 3 through line 9 on page 4, inclusive, and substitute:

“(3) IF THE HEALTH DEPARTMENT FAILS TO ADMIT A DEFENDANT TO A DESIGNATED HEALTH CARE FACILITY WITHIN THE TIME PERIOD SPECIFIED IN PARAGRAPH (2)(I) OF THIS SUBSECTION, THE COURT MAY IMPOSE ANY SANCTION REASONABLY DESIGNED TO COMPEL COMPLIANCE, INCLUDING REQUIRING THE HEALTH DEPARTMENT TO REIMBURSE A DETENTION FACILITY FOR EXPENSES AND COSTS INCURRED IN RETAINING THE DEFENDANT BEYOND THE TIME PERIOD SPECIFIED IN PARAGRAPH (2)(I) OF THIS SUBSECTION AT THE

DAILY RATE SPECIFIED IN § 9-402(B) OF THE CORRECTIONAL SERVICES ARTICLE.

On page 7, strike in their entirety lines 1 through 22, inclusive, and substitute:

“(E) IF THE HEALTH DEPARTMENT FAILS TO ADMIT A DEFENDANT TO A DESIGNATED HEALTH CARE FACILITY WITHIN THE TIME PERIOD SPECIFIED IN SUBSECTION (D)(1) OF THIS SECTION, THE COURT MAY IMPOSE ANY SANCTION REASONABLY DESIGNED TO COMPEL COMPLIANCE, INCLUDING REQUIRING THE HEALTH DEPARTMENT TO REIMBURSE A DETENTION FACILITY FOR EXPENSES AND COSTS INCURRED IN RETAINING THE DEFENDANT BEYOND THE TIME PERIOD SPECIFIED IN SUBSECTION (D)(1) OF THIS SECTION AT THE DAILY RATE SPECIFIED IN § 9-402(B) OF THE CORRECTIONAL SERVICES ARTICLE.”;

and in line 23, strike “(E)” and substitute “(F)”.

On page 8, in line 1, strike “(F)” and substitute “(G)”.

On page 4, in line 17, strike “30 days” and substitute “10 BUSINESS DAYS”.