



## **House Bill 385**

### *Criminal Procedure – Incompetency and Criminal Responsibility*

MACo Position: **SUPPORT**

To: Judiciary Committee

Date: February 6, 2018

From: Natasha Mehu

The Maryland Association of Counties (MACo) **SUPPORTS** HB 385 as it strives to address the pressing issue of defendants with serious mental illness being held in jail despite an order of commitment to a state treatment facility.

The lack of both state treatment beds and prompt placements of defendants court-ordered into treatment has been a long brewing issue that has reached crisis levels. These defendants have been held in county jails for unacceptable lengths of time awaiting state treatment beds. Jails are inappropriate facilities to house defendants with severe mental illness who are a danger to themselves or others.

Under current law, when a defendant—due to the severity of their mental illness—is found to be (1) incompetent to stand trial, and (2) a danger to themselves or others, a judge may order them committed to a Maryland Department of Health facility. HB 385 would require the Department to admit a defendant into a treatment facility within 21 days of a court commitment order. The bill also directs the courts to determine eligibility for and conditions of pretrial release under the Maryland Rules for certain nonviolent defendants that are either being evaluated for or committed to treatment. Finally, it shortens the timeframe and streamlines the process for reviewing whether the defendant continues to meet the requirements for commitment.

While some progress has been made by the State to address internal processing issues and the lack of beds, more must be done. The State must continue to build on the progress made and take steps to ensure the crisis is abated now and for the future. Due to the severity of their mental illness, holding these inmates in jail longer than absolutely needed is unconscionable. County jails cannot continue to be de facto mental health facilities. Placements must be made in the shortest possible timeframe.

HB 385 establishes a process and timeframe for defendants in need of treatment to be placed in treatment facilities instead of languishing inappropriately in county jails. For these reasons, MACo urges a **FAVORABLE** report on HB 385.