



## **Senate Bill 233**

*Maryland Department of Health – Defendants Found Incompetent to Stand Trial  
or Not Criminally Responsible - Commitment*

MACo Position: **SUPPORT**

To: Judiciary Committee

Date: March 29, 2018

From: Natasha Mehu

The Maryland Association of Counties (MACo) **SUPPORTS** SB 233 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. Jails are not equipped to provide the treatment services needed and do not offer hospitable environments for individuals who, due to illness, are a danger to themselves and others.

Under current law, when a defendant—due to the severity of their mental illness—is found to be (1) incompetent to stand trial or not criminally responsible for their actions, and (2) a danger to themselves or others, a judge may order them committed to a Maryland Department of Health facility. SB 233 would require a judge to enter an order of commitment for such defendants and specify a date by which they must be committed. It also sets a process for judicial oversight as well as remedies and sanctions against the Department for failing to meet the requirements of the order.

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.

SB 233 establishes a process for defendants in need of treatment to be promptly placed in state facilities for care they need without languishing inappropriately in county jails. For these reasons, MACo urges a **FAVORABLE** report on SB 233.