



## Senate Bill 789

### *Involuntary Commitment - Procedures for Admission*

MACo Position: **SUPPORT**

To: Finance Committee

Date: March 13, 2019

From: Natasha Mehu

The Maryland Association of Counties (MACo) **SUPPORTS** SB 789 as it strives to address the pressing issue of inmates with serious mental illness being held in county jails instead of receiving treatment in an appropriate facility.

Jails are inappropriate facilities to house inmates with severe mental illness. They are not equipped to provide the treatment services needed for individuals who, due to the severity of their illness, are a danger to themselves and others and in need of inpatient care but are unwilling or unable to volunteer for treatment. Those individuals who qualify for involuntary commitment are better suited to a state facility.

SB 789 authorizes local correctional officials to apply for involuntary admission of an inmate to a state hospital. It also requires that the Behavioral Health Administration (BHA) accept inmates in the order in which the applications have been received and prohibits BHA from refusing to admit an inmate based on the source of referral. Additionally, the bill creates a process so that emergency evaluatees held in pretrial detention may be conditionally released under a court order for inpatient treatment at a hospital or appropriate facility.

While some progress has been made regarding the prompt placement of certain defendants court-ordered into treatment, more must be done. The State must ensure that inmates who meet the criteria for involuntary admission are also promptly and appropriately placed in a state facility, or as allowed under this bill, eligible for conditional release. These individuals are often those with the most severe illness that have manifested or deteriorated during their incarceration and there is no less restrictive form of intervention to address their safety and welfare. 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 789 strengthens the process for inmates in need of involuntary commitment, so they may be placed in state facilities or deemed eligible for conditional release for the care they need. Accordingly, MACo urges a **FAVORABLE** report on SB 789.