

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 554
Criminal Procedure – Not Criminally Responsible Verdict – Term
of Commitment
DATE: January 31, 2024
(2/9)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 554.

The bill unduly limits the courts' discretion and raises constitutional concerns. This bill attempts to restrict judicial discretion to order release of individuals following the entrance of a verdict of not criminally responsible. Specifically, the bill proposes that following a verdict of not criminally responsible, the court is mandated to order individuals charged with first-degree murder to be committed to a designated health care facility for life and those charged with second-degree murder committed to a designated health care facility for a maximum of forty (40) years.

Judges possess the discretion to order release of individuals following entrance of a verdict of not criminally responsible. The Judiciary believes that the court should retain such discretion.

Further, by requiring a defendant to serve time for an offense that the defendant was found not criminally responsible for, the bill poses constitutional concerns. Additionally, the Judiciary notes that the language in the bill that requires the court to commit a defendant to a designated health care facility for life or a term of not more than forty (40) years is equivalent to the court sentencing a defendant to terms of incarceration for the offenses of first-degree murder and second-degree murder, respectively.

cc. Hon. Paul Corderman
Judicial Council
Legislative Committee
Kelley O'Connor