

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

House Bill 804
Judiciary

(Delegate Dumais)

Judicial Proceedings

Criminal Defendants and Juvenile Respondents - Incompetency and Criminal Responsibility - Task Force to Study Persons Incompetent to Stand Trial or Juvenile Adjudication

This bill establishes the Task Force to Study Persons Incompetent to Stand Trial or Juvenile Adjudication, staffed by the Department of Health and Mental Hygiene (DHMH). Findings and recommendations are due to the Governor and the General Assembly by December 1, 2005.

The bill takes effect June 1, 2005 and terminates May 31, 2006.

Fiscal Summary

State Effect: Any expense reimbursements for the task force members and staffing costs for DHMH are assumed to be minimal and absorbable within existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The task force must: (1) study whether and in what manner the State should revise laws relating to persons incompetent to stand trial or juvenile adjudication; (2) review Supreme Court precedents on the issue of competency to stand trial, including *Jackson v. Indiana*, 406 U.S. 715 (1972); (3) make legislative recommendations, including recommendations for legislation regarding criminal defendants and juvenile

respondents who are committed to DHMH facilities or other living arrangements after a judicial determination of incompetence to stand trial; (4) address the standards and mechanisms by which a defendant or juvenile respondent found incompetent might be retained or released when there is no substantial likelihood that the defendant or respondent will become competent to stand trial in the foreseeable future; (5) study how the recommended improvements would be funded; and (6) address continuation or dismissal of pending charges, voluntary and involuntary commitment procedures, general civil admission procedures to developmental disability facilities, judicial civil commitment, conditional release plans and procedures, and aftercare planning for defendants and respondents.

Additional Information

Prior Introductions: None

Cross File: SB 752 (Senator Frosh) – Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - February 24, 2005
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