

SENATE BILL 782

E2

5lr3295

By: **Senator Corderman**

Introduced and read first time: January 27, 2025

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Verdict of Not Criminally Responsible – Eligibility for**
3 **Evaluation for Discharge**

4 FOR the purpose of establishing that a person committed to the Maryland Department of
5 Health after a verdict of not criminally responsible for murder in the first degree or
6 murder in the second degree is not eligible for discharge for at least a certain period
7 of time after the date the person was committed; and generally relating to persons
8 found not criminally responsible.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Procedure
11 Section 3–114
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2024 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Criminal Procedure**

17 3–114.

18 (a) A committed person may be released under the provisions of this section and
19 §§ 3–115 through 3–122 of this title.

20 (b) **(1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
21 **SUBSECTION, A** committed person is eligible for discharge from commitment only if that
22 person would not be a danger, as a result of a mental disorder or an intellectual disability,
23 to self or to the person or property of others if discharged.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) A COMMITTED PERSON WHO WAS FOUND NOT CRIMINALLY**
2 **RESPONSIBLE FOR A CHARGE OF MURDER IN THE FIRST DEGREE UNDER § 2-201 OF**
3 **THE CRIMINAL LAW ARTICLE OR MURDER IN THE SECOND DEGREE UNDER § 2-204**
4 **OF THE CRIMINAL LAW ARTICLE IS NOT ELIGIBLE FOR DISCHARGE FROM**
5 **COMMITMENT FOR AT LEAST 10 YEARS AFTER THE DATE THE PERSON WAS**
6 **COMMITTED TO THE HEALTH DEPARTMENT.**

7 (c) A committed person is eligible for conditional release from commitment only
8 if that person would not be a danger, as a result of a mental disorder or an intellectual
9 disability, to self or to the person or property of others if released from confinement with
10 conditions imposed by the court.

11 (d) To be released, a committed person has the burden to establish by a
12 preponderance of the evidence eligibility for discharge or eligibility for conditional release.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
14 apply only prospectively and may not be applied or interpreted to have any effect on or
15 application to any commitment to the Maryland Department of Health that occurred before
16 the effective date of this Act.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2025.