

SB0412/923920/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 412
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “**Health –**” insert “**Forensic Review Boards and**”; in lines 2 and 3, strike “– **Established**”; in line 4, after “of” insert “repealing the requirement that a forensic review board provide notice to certain individuals within a certain time period after issuing a recommendation to the court; authorizing an authorized agent to attend a forensic review board meeting virtually;”; in line 10, after “to” insert “forensic review boards and”; in line 13, strike “and 3–121(b)”; and in line 18, strike “3–122(a)” and substitute “3–120.1”.

AMENDMENT NO. 2

On page 2, after line 8, insert:

“3–120.1.

(a) In this section, “authorized agent” means an individual who is not counsel for the committed person and who is selected by the committed person to represent the interests of the committed person in all forensic review board matters.

(b) (1) The Health Department shall establish a forensic review board at each facility that has charge of a committed person under this subtitle.

(2) A forensic review board may make recommendations relating to the release or rehabilitation of a committed person under this subtitle.

(c) Each member of a forensic review board shall be a health care provider licensed under the Health Occupations Article.

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(d) (1) At least once each year, each forensic review board shall review each committed person's eligibility for release under § 3-114 of this subtitle.

(2) The forensic review board shall, by a majority vote of the members, determine whether to recommend to the court that a committed person is eligible for discharge or conditional release, with or without proposed conditions.

(3) (i) Each forensic review board shall maintain a written record containing its findings and recommendations.

(ii) The written record shall be included in the medical record of the committed person.

(iii) The findings shall include the reasons for the forensic review board's recommendation and a plan for overcoming any barriers to release.

(4) When making a recommendation under this section, a forensic review board shall consider a written statement offered by the committed person to the forensic review board.

(5) The forensic review board shall provide notice to a committed person and the counsel of record for the committed person[:

(i)] at least 10 days before the forensic review board holds a meeting concerning the committed person[; and

(ii) within 10 days after the forensic review board issues a recommendation to the court].

(e) (1) Each forensic review board shall have an odd number of members.

(2) Each member of the forensic review board shall have one vote.

(3) (i) A forensic review board may not conduct a review under subsection (d) of this section unless a quorum is present.

(ii) A majority of the members of the forensic review board is a quorum.

(f) (1) A committed person may appoint an authorized agent to attend the [portion] ENTIRETY of a forensic review board meeting concerning the committed person, EXCEPT FOR THE FINAL VOTING PORTION OF A MEETING.

(2) An authorized agent may be a social worker or a nonlegal representative employed by the office of the attorney representing the committed person.

(3) An authorized agent may only give and hear arguments.

(4) AN AUTHORIZED AGENT MAY ATTEND A FORENSIC REVIEW BOARD MEETING VIRTUALLY.

[(4)] (5) Counsel for any party may not attend forensic review board meetings.

(g) (1) If the committed person's treatment team determines that the committed person is eligible for discharge or conditional release before the annual review scheduled under subsection (d) of this section, the treatment team shall notify the forensic review board in writing of the need for a release eligibility review.

(2) Within 30 days after receiving notice under paragraph (1) of this subsection, the forensic review board shall conduct a review in accordance with subsection (d) of this section.

(3) The treatment team shall provide a written statement that includes the clinical reasons underlying the determination that the committed person is eligible for discharge or conditional release.

(4) A copy of the notification made under paragraph (1) of this subsection and the written statement required under paragraph (3) of this subsection shall be included in the medical record of the committed person.

(h) A copy of a document or record produced by a forensic review board under this section shall, on request, be provided to:

- (1) the committed person;
- (2) counsel for the committed person;
- (3) the court;
- (4) the State's Attorney; or
- (5) the Health Department.

(i) The committed person's treatment team shall implement recommendations, if any, from the forensic review board and make arrangements for necessary treatment to rehabilitate the committed person in accordance with § 10-706 of the Health – General Article.

(j) (1) A forensic review board may appoint a representative to testify as to the Health Department's position at a release hearing.

(2) If a forensic review board takes a position contrary to the position of the committed person's treatment team, the representative appointed under this subsection may not be a member of the committed person's treatment team.

(k) The Health Department shall adopt regulations to carry out this section.

On pages 2 and 3, strike in their entirety the lines beginning with line 9 on page 2 through line 12 on page 3, inclusive.

On page 3, in line 29, strike “CERTIFIED”; and in line 30, strike “WORKER-CLINICAL” and substitute “WORKER”.

On page 4, in line 15, after “COURT” insert “UNDER TITLE 3 OF THE CRIMINAL PROCEDURE ARTICLE”; strike beginning with “DISCHARGED” in line 21 down through “FOR” in line 22 and substitute “RELEASED FROM CONFINEMENT IN A DEPARTMENT FACILITY IN ACCORDANCE WITH A COURT ORDER FOR CONDITIONAL RELEASE THAT REQUIRES”; and strike beginning with “MONITOR” in line 23 down through “(IV)” in line 26.

On page 5, in line 1, strike “(V)” and substitute “(IV)”; in the same line, strike “FILE” and substitute “REVIEW”; in line 30, strike “DESIGNEE OF”; in line 14, strike “ONCE EVERY 90 DAYS” and substitute “THREE TIMES WITHIN THE 6-MONTH PERIOD IMMEDIATELY FOLLOWING THE DATE THE COMMITTED PERSON WAS INITIALLY RELEASED FROM A FACILITY”; in line 18, strike “1 YEAR” and substitute “6 MONTHS”; and after line 31, insert:

“(5) IF A MEETING UNDER PARAGRAPH (1) OR (2) OF THIS SUBSECTION IS HELD DUE TO AN EMERGENCY INVOLVING THE COMMITTED PERSON, THE PROGRAM SHALL NOTIFY THE ADVOCATE OF THE COMMITTED PERSON AND, IF THE COMMITTED PERSON HAS RETAINED COUNSEL, THE COUNSEL OF THE COMMITTED PERSON OF THE CONTENT OF THE MEETING AS SOON AS PRACTICABLE.”.

On page 6, in line 14, strike “4” and substitute “5”; strike beginning with “(I)” in line 18 down through “PARAGRAPH” in line 19 and substitute “IN ACCORDANCE WITH § 4-307(L) OF THIS ARTICLE”; and in line 19, after “PROGRAM” insert “AND ANY HEALTH CARE PROVIDER INVOLVED IN THE TREATMENT OF THE INDIVIDUAL”.

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On pages 6 and 7, strike in their entirety the lines beginning with line 23 on page 6 through line 2 on page 7, inclusive.

On page 7, in line 12, strike “**DECISIONS**” and substitute “**RECOMMENDATIONS**”.

On page 8, in line 3, after the second “**THE**” insert “**FINAL**”; in line 20, after “**STATEMENT**” insert “**, IF ANY,**”; and in lines 20 and 25, in each instance, strike “**FORENSIC REVIEW**” and substitute “**COMMUNITY MONITORING**”.

On page 9, in line 12, strike “2026” and substitute “**2027**”.