

SENATE BILL 412

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By: **Senator Augustine**

Introduced and read first time: January 29, 2026

Assigned to: Finance and Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Department of Health – Community Forensic Aftercare Program –**
3 **Established**

4 FOR the purpose of establishing the Community Forensic Aftercare Program in the
5 Maryland Department of Health to monitor committed persons on conditional
6 release and individuals with mental illness or intellectual disability who are
7 required to be monitored under certain circumstances; requiring the Program to
8 establish a community monitoring board to make certain decisions and
9 recommendations related to conditional release and out-of-state travel; and
10 generally relating to the Community Forensic Aftercare Program.

11 BY repealing and reenacting, without amendments,
12 Article – Criminal Procedure
13 Section 3–101(a), (b), and (d) and 3–121(b)
14 Annotated Code of Maryland
15 (2025 Replacement Volume)

16 BY repealing and reenacting, with amendments,
17 Article – Criminal Procedure
18 Section 3–122(a)
19 Annotated Code of Maryland
20 (2025 Replacement Volume)

21 BY adding to
22 Article – Health – General
23 Section 13–5901 through 13–5904 to be under the new subtitle “Subtitle 59.
24 Community Forensic Aftercare Program”
25 Annotated Code of Maryland
26 (2023 Replacement Volume and 2025 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Criminal Procedure

3–101.

(a) In this title the following words have the meanings indicated.

(b) “Committed person” means a person committed to the Health Department as not criminally responsible under the test for criminal responsibility.

(d) “Health Department” means the Maryland Department of Health.

3–121.

(b) (1) If a court receives a report that alleges that a committed person has violated a condition of a conditional release, the court promptly shall:

(i) notify:

1. the Health Department;
2. counsel of record for the committed person; and
3. the State’s Attorney; and

(ii) provide the State’s Attorney with the name, address, and telephone number of the person who reported the violation and a copy of the order for conditional release.

(2) If the Health Department receives a report that alleges that a committed person has violated conditional release, the Department shall:

(i) notify:

1. the court;
2. counsel of record for the committed person; and
3. the State’s Attorney; and

(ii) provide the State’s Attorney with the name, address, and telephone number of the person who reported the violation and a copy of the order for conditional release.

3–122.

(a) (1) An application to the court for a change in conditional release of a committed person may be made by:

(i) the Health Department, **THE COMMUNITY FORENSIC AFTERCARE PROGRAM**, or the State's Attorney at any time; or

(ii) the committed person not earlier than 6 months after the court ordered the conditional release, unless the court for good cause permits an earlier application.

(2) The applicant for a change in conditional release shall notify the court and other parties, in writing, of the application and the reasons for the requested change.

(3) On request by any party, the court shall hold a hearing after an application is made under this subsection to determine whether the applicant has satisfied the requirements for release under § 3-114 of this title.

Article – Health – General

SUBTITLE 59. COMMUNITY FORENSIC AFTERCARE PROGRAM.

13-5901.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “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 COMMUNITY MONITORING BOARD MATTERS.

(C) “COMMITTED PERSON” HAS THE MEANING STATED IN § 3-101 OF THE CRIMINAL PROCEDURE ARTICLE.

(D) “MENTAL HEALTH TEAM” MEANS THE COMMITTED PERSON'S INPATIENT BEHAVIORAL HEALTH PROVIDERS AND OUTPATIENT COMMUNITY BEHAVIORAL HEALTH PROVIDERS.

(E) “PROGRAM” MEANS THE COMMUNITY FORENSIC AFTERCARE PROGRAM.

(F) “PROGRAM MONITOR” MEANS A LICENSED CERTIFIED SOCIAL WORKER-CLINICAL EMPLOYED BY THE PROGRAM TO:

1 **(1) COLLECT AND REVIEW INFORMATION PERTAINING TO A**
2 **COMMITTED PERSON'S COMPLIANCE WITH A CONDITIONAL RELEASE ORDER; AND**

3 **(2) MAKE BEHAVIORAL HEALTH RECOMMENDATIONS TO THE**
4 **COMMITTED PERSON'S BEHAVIORAL HEALTH PROVIDERS AND THE COURT.**

5 **13-5902.**

6 **(A) THERE IS A COMMUNITY FORENSIC AFTERCARE PROGRAM IN THE**
7 **DEPARTMENT.**

8 **(B) THE PURPOSE OF THE PROGRAM IS TO MONITOR:**

9 **(1) COMMITTED PERSONS ON CONDITIONAL RELEASE; AND**

10 **(2) INDIVIDUALS WITH MENTAL ILLNESS OR INTELLECTUAL**
11 **DISABILITY WHO ARE REQUIRED TO BE MONITORED UNDER TITLE 3 OF THE**
12 **CRIMINAL PROCEDURE ARTICLE.**

13 **(C) (1) THE PROGRAM SHALL:**

14 **(I) MONITOR COMMITTED PERSONS ON CONDITIONAL**
15 **RELEASE IN ACCORDANCE WITH THE ORDER OF THE COURT AND THE**
16 **RECOMMENDATIONS OF THE COMMITTED PERSON'S MENTAL HEALTH TEAM;**

17 **(II) MONITOR INDIVIDUALS WHO HAVE BEEN:**

18 **1. FOUND INCOMPETENT TO STAND TRIAL BUT NOT A**
19 **DANGER TO SELF OR THE PERSON OR PROPERTY OF OTHERS UNDER § 3-106 OF THE**
20 **CRIMINAL PROCEDURE ARTICLE; AND**

21 **2. DISCHARGED FROM A DEPARTMENT FACILITY WITH A**
22 **RECOMMENDATION FOR COMMUNITY FORENSIC AFTERCARE MONITORING;**

23 **(III) MONITOR COMMITTED PERSONS ORDERED BY A COURT TO**
24 **BE CONDITIONALLY RELEASED UNDER § 3-114(C) OF THE CRIMINAL PROCEDURE**
25 **ARTICLE FOR COMPLIANCE WITH COURT ORDERED CONDITIONS OF RELEASE;**

26 **(IV) RECEIVE AND REPORT VIOLATIONS OF A CONDITION OF**
27 **CONDITIONAL RELEASE UNDER § 3-121 OF THE CRIMINAL LAW ARTICLE; AND**

(V) FILE APPLICATIONS FOR CHANGE IN CONDITIONAL RELEASE ON BEHALF OF THE DEPARTMENT UNDER § 3-122 OF THE CRIMINAL PROCEDURE ARTICLE.

(2) THE PROGRAM:

(I) MAY NOT MAKE CLINICAL DECISIONS REGARDING THE TREATMENT OF COMMITTED PERSONS; BUT

(II) MAY MAKE RECOMMENDATIONS REGARDING THE TREATMENT OF THE COMMITTED PERSON.

(3) A HEALTH CARE PRACTITIONER-PATIENT RELATIONSHIP MAY NOT BE DETERMINED TO EXIST BETWEEN A COMMITTED PERSON AND AN INDIVIDUAL WHO MONITORS INDIVIDUALS OR PROVIDES OTHER SERVICES UNDER THE PROGRAM.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AT LEAST ONCE EVERY 90 DAYS, A PROGRAM MONITOR SHALL HOLD A MEETING WITH:

(I) EACH COMMITTED PERSON MONITORED BY THE PROGRAM;
AND

(II) THE MENTAL HEALTH TEAM OF THE COMMITTED PERSON.

(2) BEGINNING 1 YEAR AFTER THE DATE THE COMMITTED PERSON WAS RELEASED FROM A FACILITY, MEETINGS SHALL BE HELD AS DETERMINED NECESSARY BY:

(I) THE MENTAL HEALTH TEAM OF THE COMMITTED PERSON;
OR

(II) AT THE REQUEST OF THE PROGRAM.

(3) A COMMITTED PERSON MAY APPOINT AN ADVOCATE, INCLUDING A DESIGNEE OF COUNSEL OF THE COMMITTED PERSON, TO ATTEND A MEETING HELD UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION.

(4) IF A MEETING UNDER PARAGRAPH (1) OR (2) OF THIS SUBSECTION CONCERNS THE COMMITTED PERSON'S COMPLIANCE WITH A CONDITIONAL RELEASE, THE PROGRAM SHALL NOTIFY THE ADVOCATE OF THE COMMITTED PERSON AND, IF APPLICABLE, THE DESIGNEE OF COUNSEL OF THE COMMITTED PERSON OF THE MEETING.

1 **(E) IF THE PROGRAM RECEIVES A REPORT ALLEGING THAT A COMMITTED**
2 **PERSON HAS VIOLATED CONDITIONAL RELEASE, THE PROGRAM SHALL:**

3 **(1) MAKE THE NOTIFICATIONS REQUIRED UNDER § 3-121(B)(2)(I) OF**
4 **THE CRIMINAL PROCEDURE ARTICLE;**

5 **(2) PROVIDE THE STATE'S ATTORNEY WITH THE INFORMATION**
6 **REQUIRED UNDER § 3-121(B)(2)(II) OF THE CRIMINAL PROCEDURE ARTICLE; AND**

7 **(3) IF APPLICABLE, PROVIDE TO THE COUNSEL OF RECORD FOR THE**
8 **COMMITTED PERSON THE INFORMATION PROVIDED UNDER ITEM (2) OF THIS**
9 **SUBSECTION.**

10 **(F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF THE**
11 **PROGRAM RECEIVES A REQUEST FOR RECORDS FOR AN INDIVIDUAL WHO HAS**
12 **VIOLATED A CONDITION OF CONDITIONAL RELEASE AND A HEARING UNDER §**
13 **3-121(F) OF THE CRIMINAL PROCEDURE ARTICLE HAS BEEN SCHEDULED WITHIN**
14 **10 DAYS, THE PROGRAM SHALL PROVIDE THE RECORDS WITHIN 4 BUSINESS DAYS**
15 **AFTER THE REQUEST IS RECEIVED UNLESS THE PROGRAM IS PROHIBITED UNDER**
16 **APPLICABLE FEDERAL OR STATE LAW FROM DISCLOSING THE RECORDS TO THE**
17 **REQUESTING PERSON.**

18 **(2) (I) SUBJECT TO SUBPARAGRAPHS (II) THROUGH (IV) OF THIS**
19 **PARAGRAPH, THE PROGRAM SHALL DISCLOSE ANY RECORDS WITHOUT THE**
20 **AUTHORIZATION OF THE INDIVIDUAL WHO IS THE SUBJECT OF THE RECORD TO A**
21 **PUBLIC DEFENDER WHO STATES IN WRITING THAT THE OFFICE OF THE PUBLIC**
22 **DEFENDER REPRESENTS THE INDIVIDUAL.**

23 **(II) LEGAL RECORDS REQUIRED TO BE DISCLOSED UNDER**
24 **SUBPARAGRAPH (I) OF THIS PARAGRAPH INCLUDE AN EMERGENCY PETITION.**

25 **(III) THE RECORDS DISCLOSED UNDER SUBPARAGRAPH (I) OF**
26 **THIS PARAGRAPH SHALL BE LIMITED TO THOSE RECORDS NEEDED BY THE PUBLIC**
27 **DEFENDER TO REPRESENT THE INDIVIDUAL.**

28 **(IV) RECORDS PROVIDED UNDER SUBPARAGRAPH (I) OF THIS**
29 **SUBSECTION SHALL BE PROVIDED:**

30 **1. WITHIN 24 HOURS AFTER THE PROGRAM RECEIVES A**
31 **WRITTEN REQUEST FOR THE RECORDS FROM THE PUBLIC DEFENDER; AND**

1 **2. ONLY IF THE INDIVIDUAL WHO IS THE SUBJECT OF**
2 **THE RECORD HAS NOT YET RETAINED PRIVATE COUNSEL.**

3 **13-5903.**

4 **(A) THE PROGRAM SHALL ESTABLISH A COMMUNITY MONITORING BOARD**
5 **TO MAKE:**

6 **(1) RECOMMENDATIONS RELATING TO THE EARLY TERMINATION OF**
7 **CONDITIONAL RELEASE;**

8 **(2) RECOMMENDATIONS RELATING TO MODIFICATION OF THE**
9 **CONDITIONS OF RELEASE;**

10 **(3) RECOMMENDATIONS RELATING TO THE EXTENSION OF**
11 **CONDITIONAL RELEASE;**

12 **(4) DECISIONS RELATING TO THE ELIGIBILITY OF A COMMITTED**
13 **PERSON TO REMAIN ON CONDITIONAL RELEASE; AND**

14 **(5) DECISIONS RELATING TO ANY OUT-OF-STATE TRAVEL REQUEST.**

15 **(B) (1) EACH VOTING MEMBER OF THE COMMUNITY MONITORING BOARD**
16 **SHALL BE A HEALTH CARE PROVIDER LICENSED UNDER THE HEALTH OCCUPATIONS**
17 **ARTICLE.**

18 **(2) DECISIONS OF THE COMMUNITY MONITORING BOARD SHALL BE**
19 **DETERMINED BY A MAJORITY VOTE.**

20 **(3) THE COMMUNITY MONITORING BOARD SHALL HAVE AN ODD**
21 **NUMBER OF MEMBERS.**

22 **(4) EACH MEMBER OF THE COMMUNITY MONITORING BOARD SHALL**
23 **HAVE ONE VOTE.**

24 **(5) A COMMUNITY MONITORING BOARD MAY NOT ISSUE A**
25 **RECOMMENDATION OR RENDER A DECISION UNDER SUBSECTION (A) OF THIS**
26 **SECTION UNLESS A QUORUM IS PRESENT.**

27 **(6) A MAJORITY OF THE MEMBERS OF THE COMMUNITY MONITORING**
28 **BOARD IS A QUORUM.**

1 (C) (1) A COMMITTED PERSON MAY APPOINT AN AUTHORIZED AGENT TO
2 ATTEND THE ENTIRETY OF A COMMUNITY MONITORING BOARD MEETING
3 CONCERNING THE COMMITTED PERSON, EXCEPT FOR THE VOTING PORTION OF A
4 MEETING.

5 (2) AN AUTHORIZED AGENT MAY BE A SOCIAL WORKER OR AN
6 INVESTIGATOR EMPLOYED BY THE COUNSEL REPRESENTING THE COMMITTED
7 PERSON.

8 (3) AN AUTHORIZED AGENT MAY ONLY GIVE AND HEAR ARGUMENTS.

9 (4) AN AUTHORIZED AGENT MAY ATTEND A COMMUNITY MONITORING
10 BOARD MEETING VIRTUALLY.

11 (D) (1) THE COMMUNITY MONITORING BOARD SHALL MAINTAIN A
12 WRITTEN RECORD CONTAINING ITS FINDINGS, RECOMMENDATIONS, AND
13 DECISIONS.

14 (2) THE WRITTEN RECORD SHALL BE INCLUDED IN THE MEDICAL
15 RECORD OF THE COMMITTED PERSON.

16 (3) THE FINDINGS SHALL INCLUDE THE REASONS FOR THE
17 COMMUNITY MONITORING BOARD'S RECOMMENDATION OR DECISION.

18 (E) (1) WHEN MAKING A RECOMMENDATION OR DECISION UNDER THIS
19 SECTION, THE COMMUNITY MONITORING BOARD SHALL CONSIDER A WRITTEN
20 STATEMENT OFFERED BY THE COMMITTED PERSON TO THE FORENSIC REVIEW
21 BOARD.

22 (2) THE COMMUNITY MONITORING BOARD SHALL PROVIDE NOTICE
23 TO A COMMITTED PERSON AND THE COUNSEL OF RECORD FOR THE COMMITTED
24 PERSON AS SOON AS PRACTICABLE BUT NO LATER THAN 10 DAYS BEFORE THE
25 FORENSIC REVIEW BOARD HOLDS A MEETING CONCERNING THE COMMITTED
26 PERSON.

27 (3) A COPY OF THIS NOTICE SHALL BE MAINTAINED IN THE
28 PROGRAM'S RECORDS.

29 (F) THE OFFICE OF THE ATTORNEY GENERAL MAY PROVIDE LEGAL
30 COUNSEL TO THE DEPARTMENT AT THE PROGRAM'S COMMUNITY MONITORING
31 BOARD MEETINGS.

1 **(G) A COPY OF A DOCUMENT OR RECORD PRODUCED BY THE COMMUNITY**
2 **MONITORING BOARD UNDER THIS SECTION SHALL, ON REQUEST, BE PROVIDED TO:**

3 **(1) THE COMMITTED PERSON;**

4 **(2) COUNSEL FOR THE COMMITTED PERSON;**

5 **(3) THE COURT;**

6 **(4) THE STATE’S ATTORNEY; OR**

7 **(5) THE DEPARTMENT.**

8 **13-5904.**

9 **THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
10 **SUBTITLE.**

11 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
12 **October 1, 2026.**