

# SENATE BILL 412

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By: Senator Augustine

Introduced and read first time: January 29, 2026

Assigned to: Finance and Judicial Proceedings

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## 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)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Criminal Procedure**

4 3–101.

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

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

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

9 3–121.

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

12 (i) notify:

13 1. the Health Department;

14 2. counsel of record for the committed person; and

15 3. the State’s Attorney; and

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

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

21 (i) notify:

22 1. the court;

23 2. counsel of record for the committed person; and

24 3. the State’s Attorney; and

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

28 3–122.

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

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

## Article – Health – General

## **SUBTITLE 59. COMMUNITY FORENSIC AFTERCARE PROGRAM.**

15 13-5901.

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

18 (B) "AUTHORIZED AGENT" MEANS AN INDIVIDUAL WHO IS NOT COUNSEL  
19 FOR THE COMMITTED PERSON AND WHO IS SELECTED BY THE COMMITTED PERSON  
20 TO REPRESENT THE INTERESTS OF THE COMMITTED PERSON IN ALL COMMUNITY  
21 MONITORING BOARD MATTERS.

22 (c) "COMMITTED PERSON" HAS THE MEANING STATED IN § 3-101 OF THE  
23 CRIMINAL PROCEDURE ARTICLE.

24 (D) "MENTAL HEALTH TEAM" MEANS THE COMMITTED PERSON'S  
25 INPATIENT BEHAVIORAL HEALTH PROVIDERS AND OUTPATIENT COMMUNITY  
26 BEHAVIORAL HEALTH PROVIDERS.

27 (E) "PROGRAM" MEANS THE COMMUNITY FORENSIC AFTERCARE  
28 PROGRAM

(F) "PROGRAM MONITOR" MEANS A LICENSED CERTIFIED SOCIAL WORKER—CLINICAL EMPLOYED BY THE PROGRAM TO:

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:

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:

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

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

## 4 (2) THE PROGRAM:

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

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

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

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

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

23 (II) AT THE REQUEST OF THE PROGRAM.

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

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

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

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

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.