

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 713 (Senator Corderman)
Judicial Proceedings

**Criminal Procedure - Verdict of Not Criminally Responsible - Eligibility for
Evaluation for Discharge**

This bill establishes that a committed person who was found not criminally responsible (NCR) for murder in the first or second degree is not eligible for discharge from commitment for the duration of the maximum sentence for the underlying crime for which the person was found NCR, beginning on the date the person was committed to the Maryland Department of Health (MDH). The bill applies prospectively to commitments to MDH that occur on or after the bill's October 1, 2026 effective date.

Fiscal Summary

State Effect: As discussed below, any material impact on State finances or operations is unlikely to occur until the out-years and beyond the five-year scope of this fiscal and policy note. Revenues are not affected.

Local Effect: The bill is not anticipated to materially affect local government finances or operations.

Small Business Effect: None.

Analysis

Current Law:

Penalties for Murder

A murder is in the first degree if it is (1) a deliberate, premeditated, and willful killing; (2) committed by lying in wait; (3) committed by poison; or (4) committed in the perpetration of or an attempt to perpetrate specified crimes. A violator is guilty of a felony

punishable by imprisonment for life, with or without the possibility of parole. A sentence of imprisonment for life without the possibility of parole may not be imposed unless specified statutory and procedural requirements are met.

Second-degree murder is a murder that is not in the first degree. A person who commits second-degree murder is guilty of a felony and on conviction is subject to imprisonment for up to 40 years.

Commitment to Facility After Finding of Not Criminally Responsible

After a verdict of NCR, a court ordinarily is required to order the defendant committed to a facility designated by MDH for appropriate care or treatment. MDH is required to admit the defendant to a designated facility as soon as possible but no later than 10 business days after it receives the order of commitment. While commitment to a facility is typically required, the court may release a defendant after a verdict of NCR if (1) MDH has issued an evaluation report within 90 days prior to the verdict stating that the defendant would not be a danger if released, with or without conditions and (2) the State's Attorney and the defendant agree to the release and any conditions the court chooses to impose.

Release After Commitment of Defendants Found to Be Not Criminally Responsible

A committed defendant is eligible for release only if the defendant proves by a preponderance of the evidence that the defendant will not be a danger to self or to the person or property of others due to a mental disorder or intellectual disability if released from commitment with conditions (conditional release) or without conditions (discharge). A detailed administrative and judicial process applies to release decisions. Conditional release can be for a term of up to five years, with options to extend for up to five years at a time. There is no limit on the number of extensions of conditional release. The Community Forensic Aftercare Program within MDH monitors all cases of individuals on conditional release. The court must notify the Criminal Justice Information System Central Repository whenever it orders conditional release or discharge of a committed person.

State and Local Expenditures: Based on the most recent information readily available, the bill's impact on State finances and operations is unlikely to occur until the out-years and beyond the five-year scope of this fiscal and policy note.

The Judiciary advises that three individuals were found NCR for first-degree murder in 2024; four individuals were found NCR for first-degree murder in 2025. No one was found NCR for second-degree murder during this time.

Although MDH did not provide updated information this year, the information featured below was provided by MDH in 2025.

In March 2024 (the most recent data readily available), MDH advised that as of December 31, 2023, 67 patients at Clifton T. Perkins Hospital had a legal status of NCR; this number includes *all* NCR patients, not just patients committed for first- or second-degree murder.

According to MDH, from January 2019 through February 2024:

- 24 patients were discharged from the Clifton T. Perkins Hospital Center with murder charges – 16 for first-degree murder, 5 for second-degree murder, and 3 coded generically as “murder.”
- Of these 24 patients, 11 were transferred from Clifton T. Perkins Hospital Center to one of MDH’s other psychiatric hospitals; the average length of stay for this group was 4,502 days (12.3 years), and 2 of the patients in this cohort had an average length of stay of approximately 30 years.
- 13 of this group of 24 patients were discharged from Clifton T. Perkins Hospital Center to the community. The average length of stay for this group at Clifton T. Perkins Hospital Center was 3,610 days (9.9 years).

While these numbers do not account for patients in other MDH facilities, this estimate assumes that (1) a patient found NCR for first- or second-degree murder is most likely in Clifton T. Perkins Hospital Center or most likely to be initially committed to Clifton T. Perkins Hospital Center and (2) the average lengths of stay listed above are typical for a patient in an MDH facility who was committed as NCR for first- or second-degree murder.

MDH’s healthcare system operates 1,056 adult psychiatric beds, which are operating at almost full capacity. MDH notes that it currently spends \$1.5 million annually on court-imposed fines due to waitlists for admissions to its mental health facilities. Given the average length of stay for patients affected by the bill, this estimate assumes that the effect of the bill on State expenditures and bed turnover at MDH facilities does not occur until after the five-year scope of this fiscal and policy note.

The bill is otherwise not anticipated to materially affect State or local finances or operations.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland Department of Health; Office of Administrative Hearings; Department of Legislative Services

Fiscal Note History: First Reader - February 23, 2026
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