

Chapter 237

(Senate Bill 412)

AN ACT concerning

Maryland Department of Health – Forensic Review Boards and Community Forensic Aftercare Program – ~~Established~~

FOR the purpose of 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; establishing the Community Forensic Aftercare Program in the Maryland Department of Health to monitor committed persons on conditional release and individuals with mental illness or intellectual disability who are required to be monitored under certain circumstances; requiring the Program to establish a community monitoring board to make certain decisions and recommendations related to conditional release and out-of-state travel; *requiring that certain court orders be construed in a certain manner regardless of the date on which the order was issued;* and generally relating to forensic review boards and the Community Forensic Aftercare Program.

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

BY repealing and reenacting, with amendments,
 Article – Criminal Procedure
 Section ~~3–122(a)~~ 3–120.1
 Annotated Code of Maryland
 (2025 Replacement Volume)

BY adding to
Article – Criminal Procedure
Section 3–120.2
Annotated Code of Maryland
(2025 Replacement Volume)

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

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.

3–120.1.

(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.

(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.

3-120.2.

A COURT MAY NOT ISSUE AN ORDER UNDER THIS TITLE THAT AUTHORIZES OR REQUIRES THE COMMUNITY FORENSIC AFTERCARE PROGRAM TO MAKE CLINICAL DECISIONS REGARDING THE TREATMENT OF A COMMITTED PERSON.

~~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.~~

~~§ 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 WORKER~~ EMPLOYED BY THE PROGRAM TO:

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

(2) MAKE BEHAVIORAL HEALTH RECOMMENDATIONS TO THE COMMITTED PERSON’S BEHAVIORAL HEALTH PROVIDERS AND THE COURT.

13-5902.

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

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

(1) COMMITTED PERSONS ON CONDITIONAL RELEASE; AND

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

(c) (1) THE PROGRAM SHALL:

(i) MONITOR COMMITTED PERSONS ON CONDITIONAL RELEASE IN ACCORDANCE WITH THE ORDER OF THE COURT UNDER TITLE 3 OF THE CRIMINAL PROCEDURE ARTICLE AND THE RECOMMENDATIONS OF THE COMMITTED PERSON’S MENTAL HEALTH TEAM;

(ii) MONITOR INDIVIDUALS WHO HAVE BEEN:

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

2. ~~DISCHARGED FROM A DEPARTMENT FACILITY WITH A RECOMMENDATION FOR~~ RELEASED FROM CONFINEMENT IN A DEPARTMENT FACILITY IN ACCORDANCE WITH A COURT ORDER FOR CONDITIONAL RELEASE THAT REQUIRES COMMUNITY FORENSIC AFTERCARE MONITORING;

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

~~(iv)~~ (iv) RECEIVE AND REPORT VIOLATIONS OF A CONDITION OF CONDITIONAL RELEASE UNDER § 3-121 OF THE CRIMINAL ~~LAW~~ PROCEDURE ARTICLE; AND

~~(v)~~ (iv) ~~FILE~~ REVIEW 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 MONITORING DECISIONS AND 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~~ THREE TIMES WITHIN THE 6-MONTH PERIOD IMMEDIATELY FOLLOWING THE DATE THE COMMITTED PERSON WAS INITIALLY RELEASED FROM A FACILITY, 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~~ 6 MONTHS 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.

(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.

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

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

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

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

(F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF THE PROGRAM RECEIVES A REQUEST FOR RECORDS FOR AN INDIVIDUAL WHO HAS VIOLATED A CONDITION OF CONDITIONAL RELEASE AND A HEARING UNDER § 3-121(F) OF THE CRIMINAL PROCEDURE ARTICLE HAS BEEN SCHEDULED WITHIN 10 DAYS, THE PROGRAM SHALL PROVIDE THE RECORDS WITHIN 4 5 BUSINESS DAYS AFTER THE REQUEST IS RECEIVED UNLESS THE PROGRAM IS PROHIBITED UNDER APPLICABLE FEDERAL OR STATE LAW FROM DISCLOSING THE RECORDS TO THE REQUESTING PERSON.

(2) ~~(I) SUBJECT TO SUBPARAGRAPHS (II) THROUGH (IV) OF THIS PARAGRAPH~~ IN ACCORDANCE WITH § 4-307(L) OF THIS ARTICLE, THE PROGRAM AND ANY HEALTH CARE PROVIDER INVOLVED IN THE TREATMENT OF THE INDIVIDUAL SHALL DISCLOSE ANY RECORDS WITHOUT THE AUTHORIZATION OF THE INDIVIDUAL WHO IS THE SUBJECT OF THE RECORD TO A PUBLIC DEFENDER WHO STATES IN WRITING THAT THE OFFICE OF THE PUBLIC DEFENDER REPRESENTS THE INDIVIDUAL.

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

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

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

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

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

13-5903.

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

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

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

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

(4) ~~DECISIONS~~ RECOMMENDATIONS RELATING TO THE ELIGIBILITY OF A COMMITTED PERSON TO REMAIN ON CONDITIONAL RELEASE; AND

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

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

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

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

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

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

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

(C) (1) A COMMITTED PERSON MAY APPOINT AN AUTHORIZED AGENT TO ATTEND THE ENTIRETY OF A COMMUNITY MONITORING 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 AN INVESTIGATOR EMPLOYED BY THE COUNSEL REPRESENTING THE COMMITTED PERSON.

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

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

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

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

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

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

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

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

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

(G) A COPY OF A DOCUMENT OR RECORD PRODUCED BY THE COMMUNITY MONITORING 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 DEPARTMENT.

13-5904.

THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That an order issued by a court under Title 3 of the Criminal Procedure Article may not be construed to authorize or require the Community Forensic Aftercare Program to make clinical decisions regarding the treatment of committed persons, regardless of the date on which the order was issued.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That *Section 1* of this Act shall take effect October 1, ~~2026~~ 2027.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect June 1, 2026.

Approved by the Governor, April 28, 2026.