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1500 Union Ave., Suite 2000, Baltimore, MD 21211

Phone: 410-727-6352 | Fax: 410-727-6388

www.DisabilityRightsMD.org

Maryland House Ways and Means Committee

Bill Hearing - House Bill 568

Tuesday, February 11, 2020 1:00 PM

Disability Rights Maryland (DRM) is the State-designated Protection and Advocacy agency authorized under the Protection and Advocacy for Individuals with Mental Illness Act and the regulations thereto to protect and advocate for the rights of individuals with mental illness. DRM urges the committee to provide a favorable recommendation for this bill with an amendment to provide eligible voters in designated health care facilities with voter registration information.

HB 568 would require the State to inform eligible voters in correctional facilities of upcoming elections and how they may exercise their right to vote by disseminating information and providing opportunities for them to vote. Further, the State would be required to provide voter registration applications and information to each individual released from a correctional facility. The proposed amendment would expand the scope of the bill to include eligible voters in designated health care facilities who face many of the same barriers to voting as eligible voters in correctional facilities.

Individuals who (1) have been determined to be incompetent to stand trial because of a disability; (2) are awaiting a mental health evaluation stemming from a criminal matter; or (3) have been found "not criminally responsible" in a criminal matter are referred to as "forensic patients." Forensic patients are involuntarily committed to State psychiatric hospitals for an indefinite period of time until a mental health evaluation is completed, they have been restored to competency to stand trial, or it is determined that they no longer represent a threat to themselves or others. These involuntary hospitalizations can last for years and exceed what the criminal sentence would have been for the underlying offense.

Forensic patients have not been convicted of a crime, and are eligible voters. However, there is no formal effort to ensure that eligible voters in designated health care facilities receive voter registration information in advance of every election. Hundreds of eligible voters do not receive information about upcoming elections, voter eligibility requirements, absentee voting information, or voter registration applications and may effectively be disenfranchised indefinitely as a result. DRM implores this committee and the legislature to address this issue and support House Bill 568 with amendment.

Respectfully,

A handwritten signature in black ink that reads "William D. Jackson III". The signature is written in a cursive style with a stylized "W" and "J".

Ben Jackson, Staff Attorney

(410) 727-6352, ext. 2515

BenJ@DisabilityRightsMD.org