

**Bill Number: HB 728**  
**Scott D. Shellenberger, States Attorney for Baltimore County**  
**Opposed**

**WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,**  
**STATE'S ATTORNEY FOR BALTIMORE COUNTY,**  
**IN OPPOSITION OF HOUSE BILL 728**  
**COMMITTED PERSONS – RELEASE PROCEEDINGS**

I write in opposition to House Bill 728 that changes the long established statutory scheme concerning those found incompetent or not criminally responsible.

Currently, those found not criminally responsible or incompetent to stand trial have a right to contest those findings at a hearing before an Administrative Law Judge. At the hearing, the Health Department typically takes its position to present to the Administrative Law Judge (ALJ) pursuant to Criminal Procedure Article §3-115. Also present at the hearing representing State's interest is the Attorney General's Office.

The State's Attorney are entitled to attend the hearing. Most State Attorney Office's do not send a representative to the hearing. There are a number of reasons for this. First and foremost, is that the Health Department does an excellent job at these hearings presenting the best possible evidence to the ALJ. In addition, the State's Attorney's Office's in this State do not have the resources to travel and to attend these countless hearings.

The next part of this statutory scheme allows all interested parties to appeal the decision of the ALJ. House Bill 728 is designed to prevent the State's Attorney the right to appeal unless they attended the hearing.

The State's Attorney is charged with prosecuting the crime that occurred in their jurisdiction. Requiring the State's Attorney to attend each and every ALJ hearing would place an undue financial hardship of the counties resources as more staff would be needed.

I urge an unfavorable report.