

Maryland Criminal Defense Attorneys' Association



Maryland House of Delegates Judiciary Committee

February 16, 2021 1pm

Hearing on HB 728

Committed Persons - Release Proceedings

MCDAA POSITION: SUPPORT

Bill explanation: This bill improves the procedure for release of defendants who were found Not Criminally Responsible during trial. The defendant is committed to a mental health facility. The bill clarifies the procedure for return to public life.

The bill makes the following procedural changes to consideration of an application for change in conditional release of a committed person: 1) requires a court to hold a hearing after an application is made to determine whether the applicant has satisfied the requirements for release from commitment; 2) authorizes a court to shorten the conditional release term after the court considers the application for change in conditional release and evidence; 3) clarifies that a court may extend a committed person's conditional release by a term of up to five years; and 4) establishes a preponderance of the evidence standard as the burden of proof an applicant must meet to establish any issue raised in an application for change in conditional release.

For additional information or questions regarding this legislation, please contact MCDAA Government Relations Contact: John Giannetti 410.300.6393, JohnGiannetti.mcdaa@gmail.com or MCDAA legislative committee members: Erica Suter, 202.468.6640 erica@ericasuterlaw.com or Andy Jezic 301.742.7470 avjezic@aol.com