



SB0807/483620/1

AMENDMENTS  
PREPARED  
BY THE  
DEPT. OF LEGISLATIVE  
SERVICES  
  
08 MAR 22  
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BY: Senator Hough  
(To be offered in the Finance Committee)

AMENDMENTS TO SENATE BILL 807  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “County;” insert “requiring the Office of the Public Defender to provide representation to certain individuals in proceedings in which judicial commitment of an individual to assisted outpatient treatment under the Pilot Program may result;”; after line 6, insert:

“BY repealing and reenacting, with amendments,  
Article - Criminal Procedure  
Section 16–204  
Annotated Code of Maryland  
(2018 Replacement Volume and 2021 Supplement)”;

and after line 12, insert:

“Preamble

WHEREAS, A small but persistent subset of individuals with severe mental illness struggle to voluntarily adhere to the treatment they require in order to live safely in the community, due to an inability to maintain awareness or understanding of their mental illness; and

WHEREAS, When individuals with severe mental illness remain untreated, they may suffer needlessly from homelessness, poverty, repeated hospitalizations, repeated arrests, trauma, and suicide; and

WHEREAS, Civil commitment to outpatient care combined with adequate resources for treatment and monitoring, known in many states as “assisted outpatient treatment”, is a federally recognized best practice for improving treatment adherence and outcomes among individuals with histories of repeated psychiatric crises while reducing systemic costs through avoided hospitalizations; and

WHEREAS, Maryland is one of only three remaining states without statutory authority for a court to order civil commitment of an individual to outpatient care; now, therefore.”.

AMENDMENT NO. 2

On page 1, after line 14, insert:

“Article – Criminal Procedure

16–204.

(a) Representation of an indigent individual may be provided in accordance with this title by the Public Defender or, subject to the supervision of the Public Defender, by the deputy public defender, district public defenders, assistant public defenders, or panel attorneys.

(b) (1) Indigent defendants or parties shall be provided representation under this title in:

(i) a criminal or juvenile proceeding in which a defendant or party is alleged to have committed a serious offense;

(ii) a criminal or juvenile proceeding in which an attorney is constitutionally required to be present prior to presentment being made before a commissioner or judge;

(iii) a postconviction proceeding for which the defendant has a right to an attorney under Title 7 of this article;

(iv) any other proceeding in which [confinement under] a judicial commitment of an individual TO CONFINEMENT in a public or private institution, OR TO ASSISTED OUTPATIENT TREATMENT UNDER TITLE 10, SUBTITLE 6A OF THE HEALTH – GENERAL ARTICLE, may result;

(v) a proceeding involving children in need of assistance under § 3–813 of the Courts Article; or

(vi) a family law proceeding under Title 5, Subtitle 3, Part II or Part III of the Family Law Article, including:

1. for a parent, a hearing in connection with guardianship or adoption;

2. a hearing under § 5–326 of the Family Law Article for which the parent has not waived the right to notice; and

3. an appeal.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, representation shall be provided to an indigent individual in all stages of a proceeding listed in paragraph (1) of this subsection, including, in criminal proceedings, custody, interrogation, bail hearing before a District Court or circuit court judge, preliminary hearing, arraignment, trial, and appeal.

(ii) Representation is not required to be provided to an indigent individual at an initial appearance before a District Court commissioner.”.

On page 4, in line 21, after the third “**THE**” insert “**TREATING**”; and in line 31, after “**BE**” insert “**ENTITLED TO BE**”.

On page 5, in line 29, strike “**AT LEAST**” and substitute “**NO EARLIER THAN**”.

On pages 6 and 7, strike beginning with “, **AN**” in line 33 on page 6 down through “**PLAN,**” in line 1 on page 7 and substitute “**TO OR FROM THE TREATMENT PLAN**”.

On page 7, in line 12, after “**(D)**” insert “**(1)**”; and after line 15, insert:

**“(2) IF THE RESPONDENT INFORMS THE COURT THAT THE RESPONDENT AGREES TO THE PROPOSED MATERIAL CHANGE, THE COURT MAY INCORPORATE THE PROPOSED MATERIAL CHANGE WITHOUT A HEARING.”**

On page 8, in line 5, strike “**AT LEAST**” and substitute “**WITHIN**”; and strike beginning with “**A**” in line 26 down through “**PROGRAM**” in line 27 and substitute “**THE EFFECT OF ASSISTED OUTPATIENT TREATMENT, IF ANY, ON THE INCIDENCE OF HOSPITALIZATION AND CRIMINAL JUSTICE INVOLVEMENT AMONG PILOT PROGRAM PARTICIPANTS**”.