

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Finance Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 453
Mental Health – Emergency Evaluation and Involuntary
Admission Procedures and Assisted Outpatient Treatment
Programs
DATE: February 7, 2024
(2/20)
POSITION: Oppose, as drafted

The Maryland Judiciary opposes Senate Bill 453, as drafted. The Judiciary supports the intent of this legislation and its goal in establishing assisted outpatient treatment programs. The Judiciary’s only objection is to the amendment to Health General Article § 10-625(b)(2). This amendment significantly alters the Maryland Department of Health’s (Department) responsibility to admit an emergency evaluatee to an appropriate facility. The current statutory language states that “the Department **shall provide** for admission of the evaluatee to an appropriate facility.” The proposed amendment states “The Department **may require** admission of the emergency evaluatee to an appropriate facility.” This proposed amendment significantly changes the Maryland Department of Health’s obligation to admit persons who have been found to be suffering from a mental disorder and present a danger to themselves or others. Instead, it allows the Department to choose whether to admit such a person despite the earlier findings of danger. There is no indication in the legislation how the Department would make such a decision nor is there a requirement that the Department address the needs for which the evaluation was granted. This change presents significant safety concerns for the individual evaluatee and for the public at large. Additionally, it renders the Court’s earlier findings, for which an evaluation was sought and obtained, meaningless. It also further attenuates the responsibility of the State to provide clinically appropriate treatment to mentally ill and dangerous individuals, consistent with due process.

cc. Hon. Bill Ferguson
Judicial Council
Legislative Committee
Kelley O’Connor