



Senate Bill 453

Mental Health – Emergency Evaluation and Involuntary Admission Procedures and Assisted Outpatient Treatment Programs

MACo Position: **SUPPORT**

To: Finance Committee

WITH AMENDMENTS

Date: February 20, 2024

From: Sarah Sample

The Maryland Association of Counties (MACo) **SUPPORTS SB 453 WITH AMENDMENTS**. This bill mandates that county governments establish an assisted outpatient treatment program in the Maryland Circuit Courts. Additionally, it requires collaboration from the courts, the Office of the Public Defender, and each local behavioral health authority.

Assisted outpatient treatment has been authorized in forty-eight other states and the District of Columbia. It has been shown to divert individuals with severe mental illness into the appropriate care and treatment and away from emergency rooms and detention centers. This bill would substantially enhance the ability of local detention centers, law enforcement, health departments, and social services teams to more fully and efficiently use their limited resources to assist and support those in their charge. Counties and residents have a great stake in the success of SB 453 but have operational and financial concerns regarding the establishment of such a program falling on counties.

Local governments support the overall effect and intent of the bill but would offer two amendments to ensure the bill fulfills its intended outcomes:

- 1. Circuit Courts and the Administrative Office of the Courts are the rightful administrators of this program, not counties.***

Assisted outpatient treatment is a circuit court procedure and therefore the circuit courts, in conjunction with the Administrative Office of the Courts, are the appropriate agencies to establish these procedures. While counties fund the circuit courts in Maryland, they have no authority or control over the procedures and operations of the courts. Local governments cannot mandate any actions to judges or court staff and there is no existing mechanism or legal precedent for counties to do so. As such, there is no process or infrastructure in place for what the bill proposes, and even were it established, the

repercussions could be dire and create a host of inconsistencies and conflicts when it comes to the separation of power between governments and courts. Additionally, local governments have vastly different procedures and operational modes. Involvement as the bill outlines would likely lead to the kind of variability in practices that could lead to serious issues if adopted in a court setting.

2. *Appropriate state funding should be allocated to implement this program.*

As the bill is drafted, even with the appropriate primary actor for the establishment of these programs identified, the counties would still suffer the financial burden of funding a new circuit court program. Through detention center operations, law enforcement, emergency services, and local health department engagement, counties are currently covering a substantial cost to help meet the needs of the severely mentally ill, at a time when county financial resources are stretched perilously thin. For this program to be successful – a shared goal among most involved – there must be state funding allocated to the circuit courts and the Administrative Offices of the Courts to fulfill the charge of this bill. It's very likely the Maryland Judiciary and the Office of the Public Defender will also need resources, as 90 percent of the likely defendants will be their clients. SB 453 has great potential, but without resources, the state agencies' success – which counties must be able to rely on – will be in jeopardy.

Counties – and the communities they represent – need assisted outpatient treatment to be implemented successfully. SB 453, with the two changes offered above, can be the vehicle to achieve this goal. Accordingly, MACo urges a report of **FAVORABLE WITH AMENDMENTS** for SB 453.