

**Senate Bill 554 Criminal Procedure – Not Criminally Responsible Verdict – Term of  
Commitment**

Judicial Proceedings Committee

February 9, 2024

**Position: OPPOSE**

Mental Health Association of Maryland (MHAMD) is a nonprofit education and advocacy organization that brings together consumers, families, clinicians, advocates and concerned citizens for unified action in all aspects of mental health and substance use disorders (collectively referred to as behavioral health). We appreciate the opportunity to provide this testimony in opposition to Senate Bill 554.

SB 554 requires that individuals deemed by a court to be not criminally responsible for certain criminal charges be given mandatory minimum commitments in state psychiatric facilities.

Maryland law provides that a defendant in a criminal proceeding is not criminally responsible for criminal conduct if, at the time of that conduct, the defendant, because of a mental disorder, lacks substantial capacity to appreciate the criminality of that conduct or conform that conduct to the requirements of law. *Md. Code Ann., Criminal Procedure § 3-109*. After a verdict of not criminally responsible, a court must immediately commit the defendant to a health care facility for institutional inpatient care or treatment. *Md. Code Ann., Criminal Procedure § 3-112*.

By definition, individuals found not criminally responsible (NCR) are not guilty of a criminal act. A court has found them to be in need of treatment for a mental illness and has committed them to a hospital to receive that treatment. But mental illnesses are not necessarily lifelong conditions. With proper treatment, people can and do recover. Nonetheless, SB 554 would require that people found NCR for criminal conduct, who have since received treatment for and recovered from their mental illness, be confined to a psychiatric facility, in certain cases, for the rest of their lives. Such a policy not only runs counter to the fundamental purpose of NCR statutes, it would also further limit scarce mental health resources and inpatient beds that may prevent those in need of inpatient care from receiving it.

For these reasons, MHAMD opposes SB 554 and urges an unfavorable report.

*For more information, please contact Dan Martin at (410) 978-8865*