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DEPUTY MAJORITY WHIP

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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony for Senate Bill 551
Criminal Procedure – Committed Persons – Release Proceedings
April 1, 2024

Good afternoon, Chair Clippinger, and members of the Judiciary Committee,

When an individual is found Not Criminally Responsible (“NCR”), courts commit them to the Department of Health for care and treatment of their mental illnesses. Under current Maryland law, following judicial commitment, an individual may request conditional release—the release from a psychiatric hospital requiring continued treatment. Following this request, at a hearing, the individual must show, by preponderance of the evidence that, if released, they would not be dangerous to themselves or others due to a mental illness.¹

Senate Bill 551 (“SB 551”) enhances judicial procedures regarding these types of conditional release in a myriad of ways. First, regarding conditional release or discharge hearings, SB 551 applies the Maryland Rules governing discovery for civil matters in the Circuit Court, regardless of venue. This ensures that judicially committed individuals that are petitioning for conditional release have the discovery tools necessary to fully exercise their constitutional rights.

Second, SB 551 explicitly states that courts have discretion to extend conditional release for up to five years. This clarification is intended to aid the courts interpreting the law. Third, when a judicially committed person requests a hearing regarding conditional release, SB 551 *requires* a hearing. Under the current law, some courts have noted that there is no explicit right to a hearing—SB 551 corrects that and ensures these individuals the right to be heard.

Fourth, SB 551 requires courts to notify a committed person’s counsel of record when a warrant is issued for the person on conditional release. Providing notice of an alleged conditional release violation grants the individual’s counsel the opportunity to investigate the accusations and advocate for their clients.

¹ Md Code, Criminal Procedure § 3-114(d).

Finally, SB 551 clarifies that the Maryland Department of Health must provide certain records relating to treatment or conditional release upon request of any party. This modification recognizes that all parties need access to treatment information to foster more productive negotiations, and informed discussions.

For the reasons stated above, I respectfully request a favorable report for SB 551.