



Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 20, 2024

The Honorable Luke Clippinger  
Chair, Judiciary Committee  
Room 101 House Office Building  
Annapolis, MD 21401-1991

**RE: HB 801 Criminal Procedure - Committed Persons - Release Proceedings - Letter of Information**

Dear Chair Clippinger and Committee Members,

The Maryland Department of Health (Department) respectfully submits this letter of information for House Bill 801 (HB 801) entitled “Criminal Procedure - Committed Persons - Release Proceedings.” HB 801 makes changes to conditional release requirements for individuals previously committed to the Department. These changes include application of the Maryland Rules governing discovery in the Circuit Court. Further, the bill specifies notification requirements for the individual’s counsel for a violation and additional notification requirements. HB 801 requires the court to hold a hearing on request by any party after an application is made to determine if the individual has satisfied the specified requirements for release. Further, it would limit the court to extend conditional release not exceeding 5 years, but would allow the court to shorten the conditional release or terminate the conditional release.

As a part of the MDH Healthcare System’s Office of Court Ordered Evaluation and Placements, the Community Forensic Aftercare Program (CFAP) consists of licensed social workers and mental health professionals who work to provide monitoring services to individuals who were found Not Criminally Responsible and are eligible for community release. CFAP would need to hire additional employees to help facilitate the increase in document review for discovery requests. In addition, the ability to request hearings to determine if an individual has satisfied conditions of release would require CFAP personnel to attend hearings more frequently which necessitates hiring additional personnel to handle the increase in caseloads. MDH anticipates a need for six additional staff to implement the requirements of this bill.

While this will require additional staff, the Department appreciates that this bill will increase the rights of individuals recently discharged from MDH Adult Psychiatric Hospitals who are attempting to terminate their conditional release. HB 801 would accomplish this by allowing an individual to request a hearing to determine if the requirements of a conditional release have been satisfied, and it will enable the court to shorten or terminate the release, or limit the amount of the time that the conditions of release can be extended. This could potentially result in a shorter period of MDH and judicial monitoring following discharge allowing individuals additional rights following their psychiatric hospitalization.

If you would like to discuss this further, please contact Sarah Case-Herron, Director of Governmental Affairs, at [sarah.case-herron@maryland.gov](mailto:sarah.case-herron@maryland.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "LH Scott", is enclosed within a faint, light blue outline of the state of Maryland.

Laura Herrera Scott, M.D., M.P.H.  
Secretary