

January 24, 2025

Chair Beidle, Vice Chair Hayes, and esteemed members of the Finance Committee,

The National Alliance on Mental Illness (NAMI)-Maryland respectfully requests a favorable report on SB43.

NAMI Maryland and our 11 local affiliates across the state represent a statewide network of more than 58,000 families, individuals, community-based organizations, and service providers. NAMI Maryland is a non-profit that is dedicated to providing education, support, and advocacy for persons with mental illnesses, their families and the wider community.

People living with mental health conditions are sometimes committed to the Maryland Department of Health (MDH) as “not criminally responsible” and stay in facilities until a Forensic Review Board (FRB) clears them for release. There is no enabling legislation in Maryland Code or guidance within the Code of Regulations defining the makeup, procedures, or reporting of FRBs. Commitment to a facility is a deprivation of liberty that, although it may be allowable under the law, the law currently provides no guidance on the process of release.

Any process that so dramatically impacts the lives of so many people should be authorized by the legislature and guided by the subject matter experts within a state agency. To operate without statutory authority not only leads to inconsistencies and lack of transparency, but it is also antidemocratic. The duly elected members of the General Assembly represent the will of Maryland’s people, including those subject to the forensic review process, their loved ones, and their communities. The General Assembly has an opportunity to rightfully assert its authority and define this important step between commitment to a facility and returning home. SB43 adds structure to the review process and transparency to the vital function of FRBs within the mental health system.

SB43 adds another significant layer of transparency to the review process by making documents related to FRB proceedings available to a person under a commitment order, their attorney, the state’s attorney, the court, or MDH. People subject to review under the current (lack of) law often have no access to the information discussed by FRBs that determines whether they will be released or remain in a facility.

NAMI Maryland sees the frustrations of Marylanders who have been stuck in facilities indefinitely with no knowledge of the timeline for their release or even the reasons why they are not being released. We want people living with mental health conditions to not just live, but to live well. For those reasons, we urge a favorable report on SB43.

Kathryn S. Farinholt
Executive Director
National Alliance on Mental Illness, Maryland

Contact: Morgan Mills
Compass Government Relations
Mmills@compassadvocacy.com