

**Senate Finance Committee**  
**Senate Bill 741: Forensic Mental Health Treatment**  
**Tuesday, March 4, 2025, 1:00 PM**  
**Position: Support**

Disability Rights Maryland (DRM) is the protection and advocacy organization for the state of Maryland; the mission of the organization, part of a national network of similar agencies, is to advocate for the legal rights of people with disabilities throughout the state. In the context of mental health disabilities, DRM advocates for access to person-centered, culturally responsive, trauma-informed care in the least restrictive environment. DRM appreciates the opportunity to provide testimony on SB 741, which will work to address ongoing barriers to accessing forensic mental health services in Maryland by creating a Workgroup on Forensic Mental Health Treatment and directing contempt fines towards a specific Forensic Mental Health Services fund, which will be used to mitigate state hospital waitlists. While DRM has concerns about the specific use of the Forensic Mental Health Services Fund outlined in SB 741 as outlined below, DRM is working with the sponsor and is confident these concerns can be resolved.

For the past several years, waitlists for state psychiatric facilities have continued to grow and Marylanders with serious mental illness who are accused of crimes are languishing in Maryland's jails for several months while waiting for a bed to open at the state hospital. The reasons for these delays are multi-faceted but primarily results from the failure to offer outpatient competency restoration, the lack of appropriate community placements for people coming out of state hospitals, and failure to provide specific clinical services that many patients need to be discharged from a state facility. Previously, a forensic services workgroup was studying these issues and identifying solutions, but the workgroup was disbanded nearly a decade ago and without any oversight body specifically evaluating these issues, these problems have once again reared their ugly head. By forming a new workgroup to study the forensic mental health landscape in Maryland, DRM is optimistic that stakeholders will be able to come together to identify sustainable solutions that will make Maryland's forensic mental health system more efficient and effective for all.

DRM also supports directing contempt fines that are not being used to pay for housing in a county jail to the Forensic Mental Health Treatment Fund. Directing contempt fines to a specific Forensic Mental Health Services Fund is essential to ensuring that these fines serve the purpose of compelling compliance with the State's legal mandate to transfer people to a designated facility within 10 days of being adjudicated incompetent to stand trial. However, DRM cannot support the specific directive that these funds be used for the limited purpose of increasing the number of hospital beds in the state. Instead, DRM suggests the Forensic Mental Health Services Fund be put towards creating outpatient competency restoration services and expanding transitional services.

Marylanders have a right to receive forensic mental health services in the most integrated setting appropriate to their needs; solutions for addressing state hospital waitlists must focus on moving people through the forensic mental health system rather than expanding bed capacity. As identified in a 2016 report from the since disbanded, Forensic Services Advisory Council, prolonged state hospital waitlists are “not just due to the absolute number of inpatient beds within the Department of Health and Mental Hygiene (DHMH), but also from the consequences of a disjointed system that, over many years, has created bottle necks at every point within the system; from initial evaluation to release to the community, and virtually every step in between.”<sup>1</sup> While the legislature has taken many steps to try to address the disjointed system in the intervening years since this report was published, many gaps in the system remain that create bottlenecks in the system that are leading to the prolonged state hospital waitlists we are seeing today. Most notably, people who have not exhibited dangerous conduct struggle to access appropriate outpatient competency restoration services and people who are found to have exhibited dangerous conduct that causes them to be placed in state hospitals, often experience barriers accessing appropriate step-down services, despite being deemed clinically ready for discharge, causing discharge delays lasting months or even years. Because of these gaps in services, state hospital waitlists continue to grow. Therefore, DRM believes that directing contempt funds to be spent on outpatient competency restoration and transitional services will more effectively mitigate the risks of unnecessary institutionalization, eliminate bottlenecks, reduce waitlists, and perhaps most importantly, improve clinical outcomes for people who are served within the forensic mental health system.

DRM urges the committee to issue a favorable report on SB 741 and help guarantee Marylanders’ access to timely and effective forensic mental health treatment that is provided in the most integrated setting appropriate to an individual’s needs.

Please contact Courtney Bergan, Disability Rights Maryland’s Equal Justice Works Fellow, for more information at CourtneyB@DisabilityRightsMd.org or 443- 692-2477.

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<sup>1</sup> Stephen B. Goldberg, M.D., Maryland Department of Health and Mental Hygiene, [Forensic Services Workgroup: Report of Recommendations](#) (Aug. 31, 2016).