

March 4, 2025

Chair Smith, Vice Chair Waldstreicher, and distinguished members of the Judicial Proceedings Committee,

The National Alliance on Mental Illness (NAMI)-Maryland respectfully requests an unfavorable report on SB782.

NAMI Maryland and our 11 local affiliates across the state represent a network of more than 58,000 families, individuals, community-based organizations, and service providers. NAMI Maryland is a 501(c)(3) non-profit dedicated to providing education, support, and advocacy for people living with mental illnesses, their families, and the wider community.

People with mental health conditions often face criminal charges due in whole or in part to mental illness symptoms. In many cases, they lack the requisite *mens rea* (intent) to commit an offense, even if they have committed the *actus reus* (act of the offense). In the case that their mental health symptoms caused them to commit an otherwise criminal offense, they should not be held to the same level of culpability as criminal justice involved individuals who do not have serious or severe symptoms. Maryland law allows a review of criminal responsibility, that can lead to a commitment procedure and hospitalization of persons who are not responsible under the law but still meet a level of dangerousness that permits the state to detain them in a psychiatric setting.¹ They may then be released after a review process.²

SB782 requires that a person found not criminally responsible for murder, who is committed to a psychiatric setting, not be eligible for release for at least ten years. NAMI Maryland opposed SB782 because every criminal case involving people with mental health conditions, who are not legally responsible due to their psychiatric symptoms, is unique. These are subjective cases and should be weighed based on the medical history and current condition of each justice involved person. We understand that murder is one of the most heinous offenses and that the facts of the original criminal charges must also play a role in the forensic review and release process. Therefore, we urge this committee to give a favorable report on SB43, which would provide structure and transparency to the Forensic Review Board proceedings. But on SB782, we respectfully request an unfavorable report.

¹ Maryland Code, Criminal Procedure §§ 3-109—3-114.

² Maryland Code, Criminal Procedure §§ 3-114—3-115.