



Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary
February 7, 2025

The Honorable William C. Smith
Chair Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21401

RE: Senate Bill (SB) 509- Prohibited Possession of Firearms - Assisted Outpatient Treatment Respondents – Letter of Information

Dear Chair Smith and Committee Members:

The Maryland Department of Health (Department) is submitting this Letter of Information for Senate Bill (SB) 509 - Prohibited Possession of Firearms - Assisted Outpatient Treatment Respondents

Senate Bill 509 proposes to prohibit individuals subject to Assisted Outpatient Treatment (AOT) orders from possessing regulated firearms, rifles, or shotguns. SB 509 also mandates that courts promptly report these individuals to the National Instant Criminal Background Check System (NICS). Limited research exists on gun violence in individuals with serious and persistent mental illness, and the effectiveness of firearm prohibitions in preventing such violence.¹

Assisted Outpatient Treatment (AOT) is a court-ordered intervention designed for individuals with serious and persistent mental illness who need community-based treatment. Research from several states nationwide with AOT programs shows that these programs can lead to improved clinical outcomes.² and reduced costs³ for behavioral health systems.

In Maryland, Health-General Article, 10-6A-03 established the AOT program to be implemented statewide and requires the Department to establish AOT programs in counties that do not opt to establish an AOT program on or before July 1st, 2026. The Department has taken several pre-implementation steps to facilitate this process, including developing an internal work plan,

¹ Rozel JS, Mulvey EP. The Link Between Mental Illness and Firearm Violence: Implications for Social Policy and Clinical Practice. *Annu Rev Clin Psychol.* 2017 May 8;13:445-469.

² Phelan JC, Sinkewicz M, Castille DM, Huz S, Muenzenmaier K, Link BG. Effectiveness and outcomes of assisted outpatient treatment in New York State. *Psychiatr Serv.* 2010 Feb;61(2):137-43. doi: 10.1176/ps.2010.61.2.137. Erratum in: *Psychiatr Serv.* 2010 May;61(5):494. Muenzenmaier, Kristina [added]. PMID: 20123818.

³ Swanson JW, Van Dorn RA, Swartz MS, Robbins PC, Steadman HJ, McGuire TG, Monahan J. The cost of assisted outpatient treatment: can it save states money? *Am J Psychiatry.* 2013 Dec;170(12):1423-32.

engaging with local jurisdictions, drafting clinical and operational guidelines, and establishing communication processes to update stakeholders on the program's progress.⁴

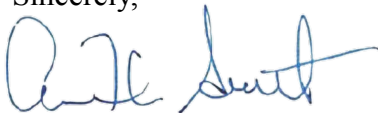
Under current Maryland law, individuals who are prohibited from possessing a regulated firearm include: individuals who suffer from a mental from a mental disorder as defined in § 10–101(i)(2) of the Health 1 – General Article and have a history of violent behavior against the person or another; individuals who have been voluntarily admitted for more than 30 consecutive days to a facility as defined in § 10–101 of the Health – General Article; and individuals who have been involuntarily committed to a facility as defined in § 10–101 of 9 the Health – General Article.

The Department anticipates that individuals who are respondents subject to comply with an AOT order will potentially meet criteria for prohibition of possession of a regulated firearm based on meeting one of these existing eligibility categories. Moreover, Maryland operates an outpatient civil commitment program in Baltimore City; this program shares eligibility criteria with AOT. A firearm prohibition is not included in current Code of Maryland Regulations for this program.⁵

The Department is committed to working collaboratively with local jurisdictions and state partners to develop and implement the AOT initiative to enhance access to mental health services for individuals participating in the Public Behavioral Health System.

I hope this information is useful. If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at sarah.case-herron@maryland.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Laura Herrera Scott', is positioned above the printed name.

Laura Herrera Scott, MD, MPH
Secretary

⁴ <https://health.maryland.gov/bha/Pages/Assisted-Outpatient-Treatment.aspx>

⁵ <https://dsd.maryland.gov/regulations/Pages/10.63.07.10.aspx>