

# MARYLAND PSYCHIATRIC SOCIETY



February 11, 2025

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Geetha Jayaram, M.D.

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

RE: Oppose – SB 782: Verdict of Not Criminally Responsible - Eligibility for Evaluation for Discharge

Dear Chairman Smith and Honorable Members of the Committee:

The Maryland Psychiatric Society (MPS) and the Washington Psychiatric Society (WPS) are state medical organizations whose physician members specialize in diagnosing, treating, and preventing mental illnesses, including substance use disorders. Formed more than sixty-five years ago to support the needs of psychiatrists and their patients, both organizations work to ensure available, accessible, and comprehensive quality mental health resources for all Maryland citizens; and strive through public education to dispel the stigma and discrimination of those suffering from a mental illness. As the district branches of the American Psychiatric Association covering the state of Maryland, MPS and WPS represent over 1100 psychiatrists and physicians currently in psychiatric training.

The MPS/WPS opposes Senate Bill 782: Verdict of Not Criminally Responsible - Eligibility for Evaluation for Discharge. Currently in Maryland, individuals who are found not criminally responsible (NCR) are committed to the Maryland Department of Health (MDH) for inpatient psychiatric hospitalization until it is determined they are no longer a dangerous due to their mental illness. There is currently no set minimum time that a person adjudicated NCR must remain committed to MDH for treatment. SB 782 would create the requirement for a minimum commitment of 10 years for those adjudicated NCR on charges of First- and Second-Degree Murder. MPS opposes this change for a few reasons.

This bill would change the focus of the NCR outcome from treatment of the individual's mental illness to punishment, even though the court determined that this person committed the crime due to their mental illness. Under the U.S. Supreme Court Case *Jones v. US*: "the nature and duration of commitment must bear some reasonable relation to the purpose for which the individual is committed." In other words, the length of hospitalization needs to be determined by clinical need rather than by legislative mandate. Under *Jones v. U.S.*, creating a mandatory minimum commitment for those adjudicated NCR on any charge would be a violation of Due Process. Additionally, creating a mandatory minimum commitment for these individuals would exacerbate the shortage of state hospital beds. There is currently a several months long wait list to be admitted to an MDH hospital, which would get longer with the passage of this bill. For these reasons, MPS opposes SB 782.

If you have any questions regarding this testimony, please contact Lisa Harris Jones at [lisa.jones@mdlobbyist.com](mailto:lisa.jones@mdlobbyist.com).

Respectfully submitted,  
The Maryland Psychiatric Society and the Washington Psychiatric Society  
Legislative Action Committee