

SENATE FINANCE COMMITTEE

Senate Bill 707: Mental Health Law—Danger to the Life or Safety of the Individual or of Others—Definition (Right to Treatment)

February 24, 2026

Position: Oppose

Disability Rights Maryland (DRM) is the protection and advocacy organization for the state of Maryland; the federal mandate 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, including those with mental illness. DRM strongly opposes Senate Bill 707, which would, if enacted, impermissibly broaden the definition of danger to self or others in violation of the United States Constitution.

Senate Bill 707, intended to change the definition of “danger to the life or safety of the individual or others” for the purpose of involuntary commitment, purports to define danger as “a substantial risk, whether or not the risk is imminent...” This squarely conflicts with well-established law governing the treatment of people with mental illness. More than fifty years ago, the United States Supreme Court held in the landmark case of *O'Connor v. Donaldson*, 422 U.S. 563 (1975) that “[a] State cannot constitutionally confine, without more, a nondangerous individual who is capable of surviving safely in freedom by himself or with the help of willing and responsible family members or friends.” 422 U.S. 573-576. To involuntarily commit an individual when risk is not imminent would be a direct disregard of the Supreme Court’s holding that such confinement violates the Fourteenth Amendment of the Constitution.

Involuntary commitment of an individual with mental illness who does not pose an imminent risk also undercuts the protections guaranteed by the Americans with Disabilities Act (ADA); the ADA requires reasonable accommodation and prohibits discrimination on the basis of disability, including making decisions based on assumptions about a person based on their disability. Rather than making accommodations designed to enable individuals with mental illness to live in the community with supports, Senate Bill 707 would permit them to be involuntarily committed to psychiatric facilities, even if they pose no imminent risk to themselves or others. This is simply insupportable.

For these reasons, DRM strongly opposes Senate Bill 707 and requests an unfavorable report.

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