



Empowering People to Lead Systemic Change
The Protection and Advocacy System for the State of Maryland

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LETTER OF INFORMATION

HB 860 - Petitions for Emergency Evaluation (Arnaud and Magruder Memorial Act)

Before the Senate Finance Committee

March 31, 2026 at 1:00 P.M.

Disability Rights Maryland respectfully requests that the Committee consider the following information when evaluating House Bill 860, which codifies two changes to the existing Emergency Petition statute. We greatly appreciate the work the sponsor has done to enact protections in the bill. Because of racial disparities in rates of police contact, Black and brown people, including those with mental illness, are more likely to interact with police. A recent report by the Maryland Attorney General found that over the past five years, nearly one in four police shootings involved a person in mental health crisis.¹ Stigma against people with mental illness and related disabilities is still pervasive, and we have concerns that HB 860's reference to the use of force statute when executing an EP furthers an incorrect belief that there is an association between mental illness and dangerousness or violence. We were happy to see that the amendments remove the explicit mention of force - but even the reference to the use of force statute reinforces the idea that police should or need to use force when addressing a mental health crisis.

An EP serves as documentation that the petitioner believed the person (evaluee) has a mental illness and presents a danger to themselves based on very recent observations. Time is of the essence when an EP is executed. After five days, behavior and circumstances can change, and the EP is stale. The potential for an extension without new evidence of immediate danger could effectively turn an EP into an ongoing effort to deprive a person of their liberty without probable cause that they are a danger to themselves or others. We appreciate the amendment to clarify that the petitioner must affirm the "good cause" standard and that the GROUNDS AND CONDITIONS THAT NECESSITATED THE ISSUANCE OF THE INITIAL PETITION STILL EXIST. Due to the potential liberty implications of the extensions provided for in House Bill 860 we support the proposed amendment to Health General § 10-623 (adding a new Section (F)) that states the following: (a) Legal records required to be disclosed under Md. Code Ann., Health-Gen. Sec. 4-307(l)(2) shall include any and all motions filed to extend an emergency petition, and previously filed emergency petitions that expired; and (b) the court shall provide such records to counsel within 48 hours of request.

¹ "Nearly 1 in 4 people killed by Maryland police was in mental health crisis, AG finds," Baltimore Banner, Jan. 29, 2026.

Most importantly, Disability Rights Maryland believes Maryland should move toward best practices that include less police involvement in the service of emergency petitions (EP) and more intervention by specially trained mental health professionals. Changes to police diversion protocols and prioritizing mobile crisis teams will lessen the harm and potential dangers inherent in serving an EP and having an EP served. We urge consideration by the committee of tracking and reporting of the use of EPs and those being served by law enforcement.

Should you have any further questions, please contact Luciene Parsley, Litigation Director at Disability Rights Maryland, at 443-692-2494 or lucienep@disabilityrightsmd.org.