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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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Senator Justin Ready
SB 707 – Mental Health Law – Danger to the Life or Safety of the Individual or of Others –
Definition (Right to Treatment)

Chair Bagnall, Vice Chair Cullison, and members of the Health Committee,

As Amended, Senate Bill 707, a bi-partisan effort, would facilitate access to treatment for those with serious mental illness, such as bipolar disorder or schizophrenia, who are unable because of their illness, to recognize they are seriously ill and need treatment. The goal is to provide timely treatment to prevent the current consequences of treatment denial that are being experienced: incarceration, suicide, harm to others, homelessness, and brain deterioration from psychosis.

Maryland is one of the only 2 states, along with the District of Columbia, that have no definition for the danger standard for involuntary evaluation and inpatient treatment.

The result is that there is no consistent interpretation of dangerousness across the state and very often it is interpreted as requiring "imminent" danger, even though the legislature removed that requirement in 2002. In addition, unlike 48 other states, Maryland has no explicit language specifying that the inability to meet one's basic needs constitutes a danger to self and 30 states have psychiatric deterioration standards. In Maryland, danger is frequently considered only explicit suicidal or homicidal behavior, with no consideration of the ability to meet basic needs.

Consequently, our loved ones with serious mental illness, who lack the capacity to recognize their need for treatment, are denied timely treatment. Untreated psychosis results in brain damage and frequently the inability to recognize unlawful behavior. Our county jails report being overwhelmed with up to 50% of inmates with mental illness. Our state psychiatric hospitals are overwhelmed with court orders to restore competency and no longer accept civil patients for treatment to prevent behavior that can lead to criminalization. Maryland families are left to helplessly wait for senseless tragedy to establish "danger".

This bill clarifies that danger standard, or "DANGER TO THE LIFE OR SAFETY OF THE INDIVIDUAL OR OF OTHERS" defined as "there is as a result of a mental disorder a

substantial risk, based on conduct that is recent and relevant to the danger that the individual may present and in consideration of the individual's current condition and, if available, recent personal, medical, and psychiatric history, that the individual will: 1) cause bodily harm to the individual or another individual; or 2) be unable, except for reasons of indigence, to provide for the individual's basic needs, including food, clothing, shelter, medical care, self-protection, or safety, to such a degree as to create a substantial risk of serious bodily harm, serious illness, or death in the near future.”

Multiple state expert panels and stakeholder groups over several administrations have recommended that the danger standard be defined. Yet our adult sons, daughters, wives and husbands, still die by suicide after being refused involuntary hospital admission to treat psychosis because of the narrow interpretation of Maryland's undefined danger standard. A danger standard that promotes timely treatment would greatly improve outcomes, help prevent criminalization, save lives, and promote recovery.

I have worked extensively with the stakeholders about this bill, including the Office of the Public Defenders, Mental Health Association, NAMI Maryland, Schizophrenia and Psychosis Action Alliance (name as many as possible, especially if Disability Rights Maryland and On Our Own were involved) and many others. The amendments include suggested language from many of the organizations which originally opposed the bill, such as the Office of the Public Defenders, Mental Health Association of Maryland (if others add as appropriate) and others. This included incorporating significant language from the recommendations of the 2021 state Stakeholder Group. Amendments were added to ensure that civil liberties would be better protected and that the law would only apply to those with mental disorders who met the specified criteria.

Over 12 organizations submitted testimony this year supportive of the legislature taking action this year to define the danger standard. Even some long-time opponents, like the Office of the Public Defenders, have stated that they now support the bill as amended. This is the most support there has been for defining the danger standard in the past 24 years.

By enabling timely treatment this bill will help our loved one's recovery by restoring rational thought, their free will and the ability to exercise their liberties in a meaningful way. It is crucial for preventing tragedies, reducing criminalization, and homelessness, saving the lives of our loved ones, and protecting our communities.

SB 707 passed out of Senate Finance and the Senate floor unanimously. I respectfully request a favorable report on SB 707.