

**Senate Bill 782 – Criminal Procedure – Verdict of Not Criminally Responsible –
Eligibility for Evaluation for Discharge
Senate Judicial Proceedings Committee
March 4, 2025
Position: UNFAVORABLE**

Mental Health Association of Maryland (MHAMD) is a nonprofit education and advocacy organization that brings together consumers, families, clinicians, advocates and concerned citizens for unified action in all aspects of mental health and substance use disorders (collectively referred to as behavioral health). We appreciate the opportunity to provide this testimony in opposition of SB 782.

SB 782 would require that a person found “not criminally responsible” for the crime of first- or second- degree murder not be eligible for discharge from commitment for at least 10 years from the date of commitment.

Current Maryland law states that a person found not criminally responsible for a crime, as a result of a mental disorder or an intellectual disability, is eligible for conditional release from commitment if it has been determined that they would not be a danger to self, to others, or to other’s property.

Maryland’s current law reflects best practice, in place in many states. The assumption is that confinement after a “not criminally responsible” acquittal is appropriate only for as long as confinement is clinically justified and serves a rehabilitative purpose.¹ People acquitted because they were found “not criminally responsible” by reason of a mental illness should receive treatment, and treatment should be with the goal of recovery, not punishment.

In the criminal justice system, confinement is intended to protect the public, to serve as a deterrent from criminal activity, and to punish people who harm others. For people with serious mental health conditions that were found to be so profound that the person is deemed not criminally responsible, confinement does not serve as a deterrent,² and because a person is acquitted, confinement as punishment is unjust. Regarding protection of the public, current law permits confinement unless the person has been found to pose no danger to self or others.

Not only is prolonged confinement both unjust and serves no practical purpose, it would further strain the already overburdened Maryland state psychiatric hospitals. The purpose of

¹ Mental Health America. In support of the insanity defense. <https://mhanational.org/issues/support-insanity-defense>

² Winkel, Susan. “Free Will, Responsibility & Forensic Psychiatry: An Exploration of Justifications for the Insanity Defense.” (2013),

the state hospitals has always been to promote treatment and recovery, and not to simply house people as punishment.

Extending in statute the time of confinement to a minimum of ten years for those found not criminally responsible of certain charges is unjust, pointless, expensive, and would strain the state's already overcrowded state hospital system.

For this reason, MHAMD opposes SB 782 and urges an unfavorable report.