

SENATE BILL 554

E2

4lr1624

By: **Senator Corderman**

Introduced and read first time: January 25, 2024

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Not Criminally Responsible Verdict**
3 **– Term of Commitment**

4 FOR the purpose of requiring the court, after a verdict of not criminally responsible for
5 murder in the first degree or murder in the second degree, to commit a defendant to
6 a certain designated health care facility for certain terms; and generally relating to
7 verdicts of not criminally responsible.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Procedure
10 Section 3–112
11 Annotated Code of Maryland
12 (2018 Replacement Volume and 2023 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
14 That the Laws of Maryland read as follows:

15 **Article – Criminal Procedure**

16 3–112.

17 (a) (1) In this section, “designated health care facility” means:

18 (i) a State facility as defined in § 10–101 of the Health – General
19 Article;

20 (ii) a State forensic residential center; or

21 (iii) a hospital or private residential facility under contract with the
22 Health Department to house and treat individuals found to be incompetent to stand trial
23 or not criminally responsible.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) "Designated health care facility" does not include a correctional or
2 detention facility or a unit within a correctional or detention facility.

3 (b) Except as provided in subsection [(f)] (G) of this section, after a verdict of not
4 criminally responsible, the court shall order the defendant committed to the facility that
5 the Health Department designates for institutional inpatient care or treatment.

6 (c) **AFTER A VERDICT OF NOT CRIMINALLY RESPONSIBLE:**

7 (1) **FOR A CHARGE OF MURDER IN THE FIRST DEGREE UNDER § 2-201**
8 **OF THE CRIMINAL LAW ARTICLE, THE COURT SHALL COMMIT THE DEFENDANT TO A**
9 **DESIGNATED HEALTH CARE FACILITY FOR LIFE; AND**

10 (2) **FOR A CHARGE OF MURDER IN THE SECOND DEGREE UNDER §**
11 **2-204 OF THE CRIMINAL LAW ARTICLE, THE COURT SHALL COMMIT THE**
12 **DEFENDANT TO A DESIGNATED HEALTH CARE FACILITY FOR A TERM NOT**
13 **EXCEEDING 40 YEARS.**

14 [(c)] (D) If the court commits a defendant who was found not criminally
15 responsible primarily because of a mental disorder, the court may order the Health
16 Department, as soon as possible after the defendant's admission, but not to exceed 48 hours,
17 to:

18 (1) evaluate the defendant;

19 (2) develop a prompt plan of treatment for the defendant under § 10-706
20 of the Health – General Article; and

21 (3) evaluate whether there is a substantial likelihood that, without
22 immediate treatment, including medication, the defendant will remain a danger to self or
23 the person or property of another.

24 [(d)] (E) If the court commits a defendant who was found not criminally
25 responsible primarily because of mental retardation, the Health Department shall
26 designate a facility for mentally retarded persons for care and treatment of the committed
27 person.

28 [(e)] (F) If the court commits a defendant to the Health Department under
29 subsection (b) or [(d)] (E) of this section, the Health Department shall:

30 (1) admit the defendant to a designated health care facility as soon as
31 possible, but not later than 10 business days after the Health Department receives the
32 order of commitment; and

33 (2) notify the court of the date on which the defendant was admitted to the

1 designated health care facility.

2 **[(f)] (G)** If the Health Department fails to admit a defendant to a designated
3 health care facility within the time period specified in subsection **[(e)(1)] (F)(1)** of this
4 section, the court may impose any sanction reasonably designed to compel compliance,
5 including requiring the Health Department to reimburse a detention facility for expenses
6 and costs incurred in retaining the defendant beyond the time period specified in subsection
7 **[(e)(1)] (F)(1)** of this section at the daily rate specified in § 9–402(b) of the Correctional
8 Services Article.

9 **[(g)] (H)** **[After] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS**
10 **SECTION, AFTER** a verdict of not criminally responsible, a court may order that a person
11 be released, with or without conditions, instead of committed to the Health Department,
12 but only if:

13 (1) the court has available an evaluation report within 90 days preceding
14 the verdict made by an evaluating facility designated by the Health Department;

15 (2) the report indicates that the person would not be a danger, as a result
16 of mental retardation or mental disorder, to self or to the person or property of others if
17 released, with or without conditions; and

18 (3) the person and the State's Attorney agree to the release and to any
19 conditions for release that the court imposes.

20 **[(h)] (I)** The court shall notify the Criminal Justice Information System Central
21 Repository of each person it orders committed under this section.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2024.