

HOUSE BILL 1182

J1, E4

9lr1958

By: **Delegates Barron and Moon**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Stepping Up to Reduce Mental Illness in Correctional Facilities**
3 **Commission**

4 FOR the purpose of establishing the Maryland Stepping Up to Reduce Mental Illness in
5 Correctional Facilities Commission; providing for the composition, chair, and
6 staffing of the Commission; prohibiting a member of the Commission from receiving
7 certain compensation, but authorizing the reimbursement of certain expenses;
8 requiring the Commission to study and make recommendations regarding certain
9 matters relating to reducing the number of individuals with mental illness in
10 correctional facilities in the State; requiring the Commission to report its findings
11 and recommendations to the Governor and the General Assembly on or before a
12 certain date; providing for the termination of this Act; and generally relating to the
13 Maryland Stepping Up to Reduce Mental Illness in Correctional Facilities
14 Commission.

15 Preamble

16 WHEREAS, Counties routinely provide treatment services to the estimated 2 million
17 individuals with serious mental illnesses incarcerated in correctional facilities each year;
18 and

19 WHEREAS, The rates of serious mental illness for individuals in correctional
20 facilities are three to six times higher than for individuals in the general population; and

21 WHEREAS, Almost three-quarters of adults with serious mental illness in
22 correctional facilities have co-occurring substance use disorders; and

23 WHEREAS, Adults with mental illness tend to stay in correctional facilities longer
24 and, on release, are at a higher risk of recidivism than adults without mental illness; and

25 WHEREAS, County correctional facilities spend two to three times more on adults

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 with mental illness that require interventions compared to incarcerated adults without
2 these treatment needs; and

3 WHEREAS, Without the appropriate treatment and services, individuals with
4 mental illness continue to cycle through the criminal justice system, often resulting in
5 tragic outcomes for these individuals and their families; and

6 WHEREAS, The counties and the State take pride in their responsibility to protect
7 and enhance the health, welfare, and safety of their residents in efficient and cost-effective
8 ways; now, therefore,

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
10 That:

11 (a) There is a Maryland Stepping Up to Reduce Mental Illness in Correctional
12 Facilities Commission.

13 (b) The Commission consists of the following members:

14 (1) one member of the Senate of Maryland, appointed by the President of
15 the Senate;

16 (2) one member of the House of Delegates, appointed by the Speaker of the
17 House;

18 (3) the Secretary of Health, or the Secretary's designee;

19 (4) the Secretary of Public Safety and Correctional Services, or the
20 Secretary's designee;

21 (5) one representative of the Maryland Judiciary, appointed by the Chief
22 Judge of the Court of Appeals;

23 (6) one representative of the Maryland Office of the Public Defender,
24 designated by the Public Defender;

25 (7) one representative of the American Civil Liberties Union of Maryland,
26 designated by the President of the Union;

27 (8) two representatives of the Behavioral Health and Criminal Justice
28 Partnership, designated by the President of the Partnership;

29 (9) two representatives of the Maryland Association of Behavioral Health
30 Authorities, designated by the Co-Presidents of the Association;

31 (10) two representatives of the Maryland Association of Counties,
32 designated by the President of the Association;

1 (11) two representatives of the Maryland Association of County Health
2 Officers, designated by the President of the Association;

3 (12) one representative of the Maryland Chiefs of Police Association,
4 designated by the President of the Association;

5 (13) two representatives of the Maryland Correctional Administrators
6 Association, designated by the President of the Association;

7 (14) one representative of the Maryland Sheriffs' Association, designated by
8 the President of the Association;

9 (15) one representative of the Maryland State's Attorneys' Association,
10 designated by the President of the Association;

11 (16) one representative of the Maryland State Bar Association, designated
12 by the President of the Association; and

13 (17) two members of the public involved with criminal justice and behavioral
14 health needs, appointed by the Governor.

15 (c) To the extent practicable, the membership of the Commission shall reflect the
16 geographic diversity of the State.

17 (d) (1) The Lieutenant Governor shall serve as the chair of the Commission.

18 (2) The chair may appoint a vice-chair who shall have the duties assigned
19 by the chair.

20 (e) The Behavioral Health Administration and Governor's Office of Crime Control
21 and Prevention jointly shall provide staff for the Commission.

22 (f) A member of the Commission:

23 (1) may not receive compensation as a member of the Commission; but

24 (2) is entitled to reimbursement for expenses under the Standard State
25 Travel Regulations, as provided in the State budget.

26 (g) The Commission shall:

27 (1) study:

28 (i) the prevalence of mental illness among individuals incarcerated
29 in correctional facilities in the State;

1 (ii) the current system for screening individuals for mental illness
2 while incarcerated in correctional facilities; and

3 (iii) federal, State, and local government policy regarding the
4 diagnosis of, treatment of, and available services for individuals with mental illness in
5 correctional facilities; and

6 (2) make recommendations regarding:

7 (i) developing a plan with measurable outcomes to reduce the
8 prevalence of mental illness in correctional facilities, including using information from
9 correctional facilities assessments, prevalence data, examination of available treatment,
10 and service capacity;

11 (ii) methods that use research-based approaches to minimize
12 contact with the justice system for individuals with mental illness and individuals with
13 co-occurring substance use disorders;

14 (iii) the development of a structure for effective communication
15 across the criminal justice and behavioral health systems;

16 (iv) methods to identify and address training and technical
17 assistance needs of counties;

18 (v) creating a process to track progress using data and information
19 systems, and to report on successes; and

20 (vi) any other issues the Commission determines are useful to reduce
21 mental illness in correctional facilities.

22 (h) On or before December 1, 2019, the Commission shall report its findings and
23 recommendations to the Governor and, in accordance with § 2-1246 of the State
24 Government Article, the General Assembly, including:

25 (1) the number of incarcerated individuals with mental illness and
26 co-occurring substance use disorders;

27 (2) the length of incarceration for individuals with mental illness;

28 (3) the treatment received by individuals with mental illness after release
29 from correctional facilities;

30 (4) the rate of recidivism for former incarcerated individuals with mental
31 illness;

32 (5) treatment and service capacity of correctional facilities for individuals
33 with mental illness;

1 (6) State and local efforts to minimize contact between individuals with
2 mental illness and the justice system;

3 (7) the cost of implementing changes to State and local policy to reduce the
4 number of individuals with mental illness in correctional facilities; and

5 (8) the best practices, policies, procedures, and tools for:

6 (i) screening and assessing incarcerated individuals for mental
7 illness and co-occurring substance use disorders;

8 (ii) reducing the number of individuals with mental illness in
9 correctional facilities;

10 (iii) reducing the duration of time individuals with mental illness
11 spend in correctional facilities;

12 (iv) increasing treatment rates of individuals with mental illness
13 after release from a correctional facility;

14 (v) reducing the rate of recidivism for individuals with mental
15 illness;

16 (vi) generating funding to support changes to State and local policy
17 to reduce the number of individuals with mental illness in correctional facilities;

18 (vii) providing technical assistance to counties; and

19 (viii) methods for more effective information gathering and sharing
20 between relevant stakeholders.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
22 1, 2019. It shall remain effective for a period of 1 year and 1 month and, at the end of June
23 30, 2020, this Act, with no further action required by the General Assembly, shall be
24 abrogated and of no further force and effect.