

Bill Number: SB731

Scott D. Shellenberger, State's Attorney for Baltimore County
Opposed

WRITTEN TESTIMONY OF SCOTT SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY, IN
OPPOSITION TO SENATE BILL 731,
CRIMINAL PROCEDURE
COMMITTED PERSONS
RELEASE PROCEEDINGS

I write in opposition of Senate Bill 731 which would change the way hearings of committed individuals would work. Maryland has for years had a well thought out statutory scheme to handle cases of those judged to be not competent or not criminally responsible. Part of that statutory scheme is for a hearing to be held in front of an Administrative Law Judge. At that hearing the State is represented by an Assistant Attorney General.

For years if the State's Attorney's Office did not agree with the outcome of the ALJ's findings, they had a right to appeal to the Circuit Court. That right existed whether or not the State's Attorney's Office was at the hearing. The committed person and the Health Department had a right to appeal also.

Senate Bill 731 is designed so that a State's Attorney's Office has to appear at the ALJ hearing if they want the right to appeal. This is unnecessary. The "State" is represented at the ALJ hearing by the Attorney General's Office. Senate Bill 731 seems to be a punitive attempt to punish a State's Attorney's Office for not going to a hearing where they are already sufficiently represented. This would force State's Attorney Office's from all over the State, even the smaller offices, to attend a hearing to likely do or say nothing who's outcome they may be satisfied with. This seems to be a waste of resources.

I urge an unfavorable report of Senate Bill 731.