

Department of Legislative Services
 Maryland General Assembly
 2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1014
 Health

(Delegate Woods, *et al.*)

**Mental Health Law - Danger to the Life or Safety of the Individual or of Others -
 Definition (Right to Treatment)**

This bill defines “danger to the life or safety of the individual or of others” for provisions of law regarding the emergency evaluation of an individual with a mental disorder and the involuntary admission of an individual with a mental disorder to a facility or Veterans’ Administration hospital.

Fiscal Summary

State Effect: General fund expenditures for the Office of the Public Defender (OPD) increase by *at least* \$414,000 in FY 2027 to hire additional staff, as discussed below. To the extent that the Judiciary requires additional staff, Judiciary general fund expenditures increase beginning in FY 2027 by an indeterminate amount. No anticipated impact on Maryland Department of Health (MDH) hospital facilities. Revenues are not affected.

| (in dollars) | FY 2027 | FY 2028 | FY 2029 | FY 2030 | FY 2031 |
|----------------|-------------|-------------|-------------|-------------|-------------|
| Revenues | \$0 | \$0 | \$0 | \$0 | \$0 |
| GF Expenditure | 414,000 | 484,900 | 507,600 | 530,700 | 553,900 |
| Net Effect | (\$414,000) | (\$484,900) | (\$507,600) | (\$530,700) | (\$553,900) |

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill may affect local police activities and circuit court caseloads.

Small Business Effect: None.

Analysis

Bill Summary: “Danger to the life or safety of the individual or of others” means a substantial risk, whether or not the risk is imminent and in consideration of the individual’s current condition and, if available, personal, medical, and psychiatric history, that as a result of the mental disorder, the individual will:

- cause bodily harm to the individual or another;
- engage in conduct that will result in criminal justice involvement;
- be unable, except for reasons of indigence, to provide for the individual’s basic needs or safety to such a degree as to create a substantial risk of serious bodily harm, serious illness, or death; or
- suffer substantial deterioration of the individual’s judgment, reasoning, or ability to control behavior, provided that the individual is currently substantially impaired in their ability to make a rational and informed decision as to whether to submit to treatment, that will likely result in the individual meeting one of the criteria above.

Current Law:

Emergency Evaluations

Under the Health – General Article, specified health professionals, a health officer (or designee), a peace officer, or any other interested party may petition for an emergency evaluation of an individual if the petitioner has reason to believe that the individual (1) has a mental disorder and (2) presents a danger to the life or safety of the individual or of others. A peace officer may petition for an emergency evaluation only if the peace officer has personally observed the individual or the individual’s behavior, whereas specified health professionals and health officers (or designees) who petition for an emergency evaluation must have examined the individual.

Involuntary Admissions

Under the Health – General Article, an application for involuntary admission of an individual to a facility or Veterans’ Administration hospital may be made by any person who has a legitimate interest in the welfare of the individual. In addition to other requirements, the application must (1) state the relationship of the applicant to the individual for whom admission is sought; (2) be signed by the applicant; and (3) be accompanied by the certificates of one physician and one psychologist, two physicians, or one physician and one psychiatric nurse practitioner.

Additionally, within 12 hours of receiving notification from the health care practitioner who has certified an individual for involuntary admission, MDH must receive and evaluate the individual for involuntary admission if certain requirements are met, including that the health care practitioner is unable to place the individual in a facility not operated by MDH.

A facility or Veterans' Administration hospital may not admit an individual under involuntary admission unless (1) the individual has a mental disorder; (2) the individual needs inpatient care or treatment; (3) the individual presents a danger to the life or safety of the individual or of others; (4) the individual is unable or unwilling to be admitted voluntarily; and (5) there is no available, less restrictive form of intervention that is consistent with the welfare and safety of the individual.

Specified health professionals and other interested parties may petition for an emergency evaluation of an individual, which may result in the involuntary admission of the individual to a mental disorder treatment facility, if the petitioner has reason to believe that the individual (1) has a mental disorder and (2) presents a danger to the life or safety of the individual or of others. Petitions for an emergency evaluation must contain specified additional information. If an emergency evaluatee meets the requirements for an involuntary admission and is unable or unwilling to agree to a voluntary admission, the examining physician must take the steps needed for involuntary admission of the emergency evaluatee to an appropriate facility, which may be a general hospital with a licensed inpatient psychiatric unit. If the examining physician is unable to have the emergency evaluatee admitted to a facility, the physician must notify MDH, which must provide for the admission of an emergency evaluatee to an appropriate facility within six hours of receiving notification.

State Expenditures:

Maryland Department of Health

MDH advises that the bill's changes do not impact the department's hospital facilities.

Judiciary

The Judiciary advises that, in fiscal 2025, 5,008 petitions for emergency evaluation were filed in District Court, and 760 petitions were filed in circuit courts. In fiscal 2024, 4,381 petitions were filed in District Court, and 693 petitions were filed in circuit courts. The Judiciary advises that the altered definition could lead to increased filings of petitions for emergency evaluation, requiring additional court and clerical time, but it is difficult to estimate an exact number of increased petitions. To the extent that petitions increase sufficiently to require additional staff, general fund expenditures for the Judiciary increase indeterminately beginning in fiscal 2027.

Office of the Public Defender

OPD advises that it handled approximately 8,937 involuntary admission cases in fiscal 2025 and estimates that the bill could increase its caseload by at least 1,000 cases beginning in fiscal 2027.

OPD further advises that, although the best practice ratio is one attorney for every 226 mental health cases, current staff handles significantly higher caseloads (approximately 452 cases for each attorney). Thus, to meet the demand of an increased caseload, OPD advises that it would require – at minimum – three to five attorneys specializing in mental health, as well as one to two additional full-time secretaries and one part-time (50%) secretary to support the attorneys. OPD advises that, to meet best practices, eight additional attorneys, two full-time secretaries, and one part-time (50%) secretary are needed.

Thus, at a minimum, OPD general fund expenditures increase by \$413,976 in fiscal 2027, which accounts for the bill’s October 1, 2026 effective date. This estimate reflects the cost of hiring three attorneys, one full-time secretary, and one part-time (50%) secretary to handle additional mental health cases that arise under the bill. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

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|---|------------------|
| Full-time Equivalent Positions | 4.5 |
| Salaries and Fringe Benefits | \$369,314 |
| Operating Expenses | <u>44,662</u> |
| Total FY 2027 State Expenditures | \$413,976 |

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

For illustrative purposes only, if OPD hires five attorneys, two full-time secretaries, and one part-time (50%) secretary to handle the additional caseload, OPD general fund expenditures increase by \$683,927 in fiscal 2027. If OPD hires eight attorneys, two full-time secretaries, and one part-time (50%) secretary to meet best practices, OPD general fund expenditures increase by \$999,288 in fiscal 2027.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 707 (Senator Ready, *et al.*) - Finance.

Information Source(s): Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland Department of Health; Department of Public Safety and Correctional Services; Department of State Police; Department of Veterans and Military Families; Department of Legislative Services

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me/jc

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