

I listened to your committee meeting yesterday and want to explain why I suggested the language change regarding victim notification.

You are right that the current language in (ii) does not identify a specific defendant as related to the victim. However, it refers to notifying the victim regarding a specific person who is being released, referencing back to the person in the Commissioner's custody -- so "any victim of the offense" is clearly identifying the victim in relationship to the specific person who is being discharged.

["(ii) When the State's Attorney or Attorney General receives *notice under subdivision (i) of this subdivision (B)*, the Office shall provide notice of the action to any victim of the offense who has not opted out of receiving notice."]

It is more than just technical. I think we tend to blur the issue of whether someone has been convicted or not when the person has been committed for lack of competence or sanity -- but that commitment does not indicate any finding of fact regarding the crime. I think this blurring enhances public perception that these are guilty people who are "getting off with an insanity plea," because the system we have is complex (and currently, very flawed, in that we do not have an effective response for public safety purposes.) This is not helpful in combatting the stigma that wrongly associates mental illness in general with increased risk of dangerousness.

By revising it to state, "any victim of the offense for which the person has been charged," we are not denying the validity of the victim's status and need for notice, but we are also not making an assertion that the offense in question can be presumed to have been *committed* by the person being discharged [the person who is subject to "subdivision (i)"]; they are the person who has been charged with it.

Thanks,

Rep. Donahue