



**Maryland Developmental
Disabilities Council**



**House Judiciary Committee
HB 33: Criminal Law – Abuse or Neglect of a Vulnerable Adult –
Causing Severe Emotional Distress**

Position: Support with Amendments

January 21, 2020

The Maryland Association of Community Services, the Maryland Developmental Disabilities Council and The Arc Maryland submit this testimony in support of HB 33 with amendments.

Health and safety is central to the core mission of enabling people with intellectual and developmental disabilities (IDD) to live meaningful, inclusive lives in their communities. In addition to COMAR's mandate that developmental disability providers protect health and safety (*COMAR 10.22.02.10*), DD providers are also subject to extensive investigatory and reporting requirements of incidents that threaten the health, safety and welfare of people receiving community supports, including emotional abuse. (*DDA Policy on Reportable Incidents and Investigations, Appendix, 1A, p. 18*).

We are deeply appreciative of the sponsor's intent to improve the lives of people with IDD and others. While we are in general support of the sponsor's amendments, we believe the attached amendment provides important clarity regarding the definition of "abuse" that is articulated on page 2 of the sponsor's amendments. Specifically, the attached amendment would specify that the infliction of "severe emotional distress" must be "intentional and malicious" and must "profoundly confuse or frighten a vulnerable adult." For some people, the nature of an intellectual disability, as well as the cumulative trauma that many experience, can contribute to confusion and fear. It is important that in order for an action to rise to the level of a felony, the act be intentional and malicious.

We are grateful to the sponsor for her willingness to work collaboratively with us and support HB33 with both the sponsor's amendments and the attached amendment.

Respectfully submitted.