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POSITION ON PROPOSED LEGISLATION

**BILL: SB0618 Vehicle Laws- Licenses, Identification Cards and Moped Operators Permits- Notatio
of Nonapparent Disability**

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 3/27/2025

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 0618.

Senate Bill 0618 would allow for persons with nonapparent, or what is also called invisible disabilities, to choose to have a marker on their identification or driver's license indicating that they have an invisible disability and depict what that disability is. As a mother with a son with more than one nonapparent disabilities, I believe this bill is a step toward making our state more safe for people with nonapparent disabilities.

A nonapparent disability is one that you cannot see. A nonapparent disability is usually a cognitive or developmental disability that impacts a person's ability to function in mainstream society in ways that most people believe are able to. These disabilities are nonapparent because generally, people with nonapparent/ invisible disabilities look no different than a typical person in appearance. In most instances, an onlooker would not know that the person with the disability was atypical until there was some type of interaction like speaking with the person. Even then, the disability may not be apparent until the person is asked to do something that a typical person their age would be able to do and they cannot do it. Or, that person is placed in an unexpected or stressful situation and they respond in a nontypical or unexpected way.

As an attorney for the Office of the Public Defender I am in full support of SB0618. But, I am writing this testimony as a mother of a son with three invisible disabilities- Attention Deficit Hyperactivity Disorder (ADHD) and Autism and some processing issues.

ADHD and Autism, like most nonapparent disabilities are often misunderstood. Most people think that ADHD simply means that a person is Hyperactive. That however is only a very small aspect of the disability. Some people with ADHD, as is the case with my son Shiloh, often have issues with executive functioning, which means he is very disorganized, has a very difficult time following multi-step directions and is very impulsive. Additionally, Autism is a disability in which a person does not understand social cues and/ or norms that we are all expected to follow. So in many instances, Shiloh will often do things that someone his age may not do. For instance he may do something that a stranger asks him to do without asking questions. He may not always behave in age appropriate ways. Similarly, he is unable to “read the room” or determine based on circumstance what is happening. He often asks questions that may seem obvious to a neurotypical person but are not obvious to him. And he may do things in stressful situations that are unexpected, surprising and misunderstood.

My son is a black, twenty year old young man. He desires to have the independence of a typical 20 year old. He wants to be able to go out with his friends, ride public transportation independently, go on dates, work and eventually drive. If you look at my son, you would not know that he has any neuro- or developmental differences. You may even be able to carry on a conversation for several minutes before becoming aware that he has a disability. This is very concerning to me when I think about the possibility of him having an interaction with a police officer. One of my biggest concerns is that Shiloh will often say what he thinks people want to hear. And if he does not understand what is being asked, or if he thinks you want him to say yes, he will say yes or go along with whatever is being told of him. So if an officer stops him on the street and/ or accuses him of a crime he may acquiesce because that is what he thinks he is supposed to do. Similarly, what happens if Shiloh reaches for his phone impulsively to call me because he doesn't know what else to do, will he get shot? Or what if they tell him to do something and he just doesn't understand what is being asked? These are just some of the things that I can predict could happen that concern me. But I am very aware that there are a plethora of instances and scenarios that I cannot even imagine that could present a danger if my son is interacting with police who are not aware of his disabilities and do not know how to engage with people with his disabilities.

In my own practice, having raised a child with nonapparent disabilities, I am better able to recognize when I may be dealing with a client that has a disability. This allows me to handle them with a level of care and attention to meet their needs and make sure that I am servicing them appropriately. If

officers are able to be trained, and become familiar with some of the characteristics of people with nonapparent disabilities, they too will become better able to recognize when they may be engaging someone with a disability and adjust how they are interacting and what they are expecting that person to do.

This bill is very important. It protects a group of people that go out into the world and are expected to behave in ways that they may be unable. However, people with nonapparent disabilities are responsible, are able to be independent and should have every opportunity to live their lives safely. SB618 allows them a necessary protection so they can do so.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on SB0618.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

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