

HOUSE BILL 940

E2

5lr1922

By: **Delegates Kaufman, Guyton, Korman, Lopez, Mireku–North, Shetty, Solomon, and Woorman**

Introduced and read first time: January 31, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Probation Before Judgment – Defendants Diagnosed With**
3 **Autism or Intellectual Disabilities**

4 FOR the purpose of requiring a court to stay the entering of judgment, defer further
5 proceedings, and place a defendant diagnosed with autism spectrum disorder or an
6 intellectual disability on probation before judgment under certain circumstances;
7 and generally relating to probation before judgment for defendants diagnosed with
8 autism or intellectual disabilities.

9 BY adding to

10 Article – Criminal Procedure
11 Section 6–220.1
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2024 Supplement)

14 BY repealing and reenacting, without amendments,

15 Article – Health – General
16 Section 7–101(a), (g), and (n)
17 Annotated Code of Maryland
18 (2023 Replacement Volume and 2024 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

21 **Article – Criminal Procedure**

22 **6–220.1.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) A COURT SHALL STAY THE ENTERING OF JUDGMENT, DEFER FURTHER**
 2 **PROCEEDINGS, AND PLACE A DEFENDANT ON PROBATION BEFORE JUDGMENT,**
 3 **SUBJECT TO REASONABLE CONDITIONS, IF:**

4 **(1) THE DEFENDANT PLEADS GUILTY OR NOLO CONTENDERE OR IS**
 5 **FOUND GUILTY OF A CRIME;**

6 **(2) THE DEFENDANT IS DIAGNOSED WITH:**

7 **(I) AUTISM SPECTRUM DISORDER, AS DEFINED IN THE MOST**
 8 **RECENT EDITION OF THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL**
 9 **DISORDERS; OR**

10 **(II) AN INTELLECTUAL DISABILITY, AS DEFINED IN § 7-101 OF**
 11 **THE HEALTH – GENERAL ARTICLE; AND**

12 **(3) THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT:**

13 **(I) THE DEFENDANT’S CRIMINAL CONDUCT WAS A**
 14 **MANIFESTATION OF THE DEFENDANT’S DISORDER OR DISABILITY; AND**

15 **(II) GRANTING THE PROBATION BEFORE JUDGMENT WOULD BE:**

16 **1. IN THE BEST INTERESTS OF THE DEFENDANT; AND**

17 **2. IN THE INTEREST OF PUBLIC SAFETY AND JUSTICE.**

18 **(B) IN MAKING A DETERMINATION UNDER SUBSECTION (A) OF THIS**
 19 **SECTION, A COURT SHALL CONSIDER THE POSITION OF THE STATE AND ANY**
 20 **STATEMENT MADE BY A VICTIM OR A VICTIM’S REPRESENTATIVE IN ACCORDANCE**
 21 **WITH § 11-403 OF THIS ARTICLE.**

22 **Article – Health – General**

23 7-101.

24 (a) In this title the following words have the meanings indicated.

25 (g) “Developmental disability” means a severe chronic disability of an individual
 26 that:

27 (1) Is attributable to a physical or mental impairment, other than the sole
 28 diagnosis of mental illness, or to a combination of mental and physical impairments;

1 (2) Is manifested before the individual attains the age of 22;

2 (3) Is likely to continue indefinitely;

3 (4) Results in an inability to live independently without external support
4 or continuing and regular assistance; and

5 (5) Reflects the need for a combination and sequence of special,
6 interdisciplinary, or generic care, treatment, or other services that are individually planned
7 and coordinated for the individual.

8 (n) “Intellectual disability” means a developmental disability that is evidenced by
9 significantly subaverage intellectual functioning and impairment in the adaptive behavior
10 of an individual.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2025.