

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 703
Judiciary

(Delegate Kaufman, *et al.*)

Criminal Procedure - Diagnosis of Developmental Disability or Intellectual
Disability - Evidence

This bill authorizes, in a criminal proceeding, the admissibility of evidence (including expert testimony) concerning a diagnosis for the defendant of an autism spectrum disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, or of a developmental or intellectual disability if the evidence (1) tends to show that the defendant, at the time of the alleged offense, did or did not have the mental state required for the offense charged and (2) is otherwise admissible under the Maryland Rules. A judge or District Court commissioner must consider any diagnosis for the defendant of a developmental or intellectual disability, as specified, when making a pretrial release determination.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law: Broadly, circumstances under which a mental disorder or intellectual disability may be considered in a criminal proceeding include determining whether a defendant is (1) competent to stand trial (*i.e.*, whether the defendant is mentally able to participate in the proceedings) and (2) criminally responsible for the crime (*i.e.*, whether

the defendant is mentally culpable for the crime). Evidence may also be presented as a potential mitigating factor during sentencing.

Health General Article – Developmental and Intellectual Disability

“Developmental disability” means a severe chronic disability of an individual that (1) is attributable to a physical or mental impairment, other than the sole diagnosis of mental illness, or to a combination of mental and physical impairments; (2) is manifested before the individual is age 22; (3) is likely to continue indefinitely; (4) results in an inability to live independently without external support or continuing regular assistance; and (5) reflects the need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are individual planned and coordinated for the individual.

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

Additional Information

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

Designated Cross File: SB 507 (Senator Henson) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Legislative Services

Fiscal Note History: First Reader - February 6, 2025
js/jkb

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