

House Judiciary Committee
House Bill 432 Courts and Judicial Proceedings and Criminal Procedure-Technical
Corrections-References to Intellectual Disability
February 7, 2024

POSITION: SUPPORT

Thank you, Mr. Chair Clippinger and Committee Members, for the opportunity to provide written testimony in support of House Bill 432: Courts and Judicial Proceedings and Criminal Procedure-Technical Corrections-References to Intellectual Disability. Disability Rights Maryland (DRM – formerly Maryland Disability Law Center) is the federally designated Protection and Advocacy agency in Maryland, mandated to advance the civil rights of people with disabilities. DRM works to increase opportunities for Marylanders with disabilities to be integrated into their communities, live independently and access high-quality, affordable health care.

While the “R-word” was initially used primarily in a clinical setting, the word has shifted to now being used as a derogatory slur against individuals with disabilities. Because of this harmful shift, there has been a recent push to ensure that use of the harmful word is eliminated in everyday language. Movements like “Spread the Word to End the Word” encourage the general public to sign pledges to end the use of the R-word. Additionally, new terminology was included in the *Diagnostic and Statistical Manual (DSM-5)* that defined “intellectual disability” and replaced the R-word. In Maryland, Rosa’s Law was passed in 2009 to remove the use of the harmful language in specific sections of Maryland law. In 2010, President Obama signed Rosa’s Law, modeled on Maryland’s law, that replaced the harmful word in various sections of federal law.

When Maryland passed Rosa’s Law, only the following statutes had its language changed: Education, Estates and Trusts, Family Law, Health-General, Labor and Employment, State Finance and Procurement, and Transportation. However, Rosa’s Law particularly did not include a removal of the outdated language from The Courts and Judicial Proceedings and Criminal Procedure statutes; House Bill 432 aims to correct that grave omission.

One of the main purposes behind the Americans with Disabilities Act (ADA) was to ensure that individuals with disabilities were not being discriminated against in everyday activities.¹ The use of the R-word in the statutes impedes that purpose from being fulfilled and deprives individuals with disabilities of the respect and dignity that they deserve. House Bill 432 will aid in creating a more inclusive environment where all individuals can be empowered to live a life where their humanity is not only recognized, but also valued.

¹ Americans with Disabilities Act, 42 U.S.C. §12101

While Maryland took the important step in ending such offensive and outdated language, it is time for Maryland to take an even bigger step by replacing the R-word in the language of The Courts and Judicial Proceedings and Criminal Procedure statutes.

Individuals with disabilities have been in a constant cycle of oppression, inequity and powerlessness. House Bill 432 can help ensure that Maryland is a part of the solution to ending that cycle, helping create a future that allows people with disabilities to feel respected and equal in society.

For these very reasons, DRM strongly supports House Bill 432 and urges a favorable report.

Sincerely,

Sandy Balan, Esq.
Staff Attorney
Disability Rights Maryland
1500 Union Avenue, Suite 2000
Baltimore, MD 21211
SandyB@disabilityrightsmd.org
Phone no: (410) 727 6352