



## Maryland Developmental Disabilities Council

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Senate Judicial Proceedings Committee

SB 507: Criminal Procedure - Diagnosis of Developmental Disability or Intellectual Disability -  
Evidence

February 7, 2025

Position: Support

The Maryland Developmental Disabilities Council (Council) is an independent, public policy organization that creates change to make it possible for people with developmental disabilities to live the lives they want with the support they need. From this perspective, the Council supports SB 507 as a step toward making Maryland a place where everyone is treated fairly by the criminal justice system.

WHAT does this legislation do?

- The bill allows evidence to be introduced for the person who is accused (defendant) in a criminal case that they have Autism Spectrum Disorder, an Intellectual Disability or Developmental Disability.
- This information must be considered by a judge or District Court commissioner when making decisions related to a defendant's pretrial release.
- The bill is different from a plea of not criminally responsible or the 704(b) rule.

WHY is this legislation important?

- People with I/DD are over-represented in the criminal legal system. For example, the Centers for Disease Control estimates the 2.3% of children have Autism. But researchers have found that by age 21, approximately 20% of youth with Autism had been stopped and questioned by police, and nearly 5% had been arrested.<sup>1</sup>
- People with I/DD are under-supported in the criminal justice system. The U.S Department of Justice supports better screening to help officials in the criminal justice system identify and provide reasonable accommodations for people with I/DD to ensure procedural fairness.

*While investments for criminal justice equity are without question needed, including for people with disabilities, the Council believes that the amount, purpose, and timing of such efforts must take into consideration the needs of all Marylanders with disabilities. Funding for this bill should not be offset by limiting essential funding for other critical needs, most immediately the Developmental Disabilities Administration community services that thousands of Marylanders depend upon.*

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<sup>1</sup> <https://pubmed.ncbi.nlm.nih.gov/27844248/>