



Autism Society

Baltimore-Chesapeake



Autism
Society
Maryland

Howard | Montgomery | Anne Arundel

Virtual Testimony on HB 940

Autism Society of America,

Autism Society of Maryland & Autism Society of Baltimore- Chesapeake

Submitted to Maryland House Judiciary Committee

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Dear Chairman Clippinger, Vice Chair Bartlett, and other members of the Committee,

Thank you for the opportunity to submit testimony in support of [HB 0940](#) as amended, a bill to allow for probation before judgment for the Autistic community.

My name is Delancy Allred and I am here to testify on behalf of the Autism Society of America, the Autism Society of Maryland and Autism Society Baltimore-Chesapeake. The Autism Society of America is the nation's oldest and largest grassroots organization representing individuals on the Autism spectrum and their families. The Autism Society envisions a world where individuals and families living with Autism can maximize their quality of life, are treated with the highest level of dignity, and live in a society where their talents and skills are appreciated and valued. Along with our 70+ affiliates nationwide, we provide advocacy, education, information and referral, support, and community engagement opportunities at national, state, and local levels. Our Maryland affiliates include the Autism Society of Maryland, which works with families and autistic individuals in Montgomery, Howard, and Anne Arundel County, and the Autism Society of Baltimore-Chesapeake, which covers Baltimore City and County. These affiliates have served the state by offering information and referral services, educational workshops, social and support groups, and are led by Melissa Rosenberg and Thairen Greene.

This bill aims to provide fair and equitable treatment for individuals on the autism spectrum who plead guilty, enter a plea of nolo contendere, or are found guilty of a crime. Specifically, the bill proposes that these individuals be eligible for probation before judgment, allowing them the chance to receive support and rehabilitation in the community rather than facing potentially harmful or disproportionate punitive measures.

Autism spectrum disorder (ASD) is a developmental condition that affects how individuals perceive the world, interact with others, and process emotions. People with autism often face

significant challenges in social communication, understanding social cues, and processing sensory information. These difficulties, when coupled with an interaction with the criminal justice system, can result in misunderstandings, miscommunications, and outcomes that may not truly reflect the individual's behavior or intent.

It is important to recognize that the criminal justice system is not always equipped to accommodate individuals with Autism, leading to instances where these individuals might inadvertently act in ways that are deemed criminal without a full understanding of the consequences of their actions. The reality is that many individuals on the autism spectrum struggle with impulsivity, social interactions, and can often misunderstand legal processes. For these individuals, the criminal justice system can be an overwhelming, intimidating, and sometimes even a traumatic experience.

This bill is an important step toward ensuring that autistic defendants are given the opportunity to address underlying issues related to their condition, rather than simply being subjected to standard punitive measures that do not take their neurological and developmental needs into account. Probation before judgment allows for flexibility and tailored interventions that can promote rehabilitation, offer therapeutic support, and ensure the individual has the tools they need to integrate positively into society.

Probation before judgment would allow autistic individuals to remain in the community, access specialized services such as therapy, counseling, and educational programs, and receive support that addresses the root causes of their behaviors. This approach fosters rehabilitation over punishment, which is in line with the principles of restorative justice. Research has shown that individuals with autism are more likely to benefit from therapeutic interventions and community-based support rather than being incarcerated, where their condition may worsen due to lack of understanding and appropriate accommodations. Incarceration settings provide severe challenges on the autism community. Many are at extreme risk of bullying, exploitation, and abuse due to difficulties with social perception, vulnerability to manipulation, and sensory challenges. Autistic individuals, who often struggle to navigate unwritten social rules and detect manipulation, are particularly vulnerable in these environments. Their inability to recognize when they are being set up, coerced, or threatened increases their risk of being assaulted, exploited for contraband smuggling, or falsely accused of rule violations by other inmates.

Furthermore, this bill aligns with the principles of fairness and equal treatment under the law. By allowing autistic individuals to be considered for probation before judgment, the justice system would be recognizing the unique needs of this population and providing a pathway to redemption rather than exacerbating the challenges they already face.

In closing, I urge you to support this bill to ensure that individuals on the autism spectrum are treated fairly, equitably, and with the understanding that they may need different forms of intervention and support to achieve positive outcomes. This bill offers a chance for rehabilitation, stability, and reintegration into society, promoting a more just and compassionate criminal justice system for all.

Thank you for your time and consideration. If you have any questions, please contact Delancy Allred, dallred@autismsociety.org, 3368480008.