



Maryland State's Attorneys' Association

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BILL NUMBER: HB 703

POSITION: Informational

The Maryland State's Attorneys' Association (MSAA) submits the following for the consideration of this Committee as it reviews and deliberates House Bill 703.

Some offenses, commonly referred to as "specific intent" offenses, require proof that, at the time the offense was committed, the defendant had a specific mental state or intent – in a prosecution for an offense like this, the State is required to establish this mental state beyond a reasonable doubt to the finder of fact, whether a judge or jury. Evidence that relates to a defendant's mental state, either tending to show that the defendant had the requisite intent or not, is relevant and, generally speaking, admissible.

HB 703 provides that evidence that of an autism spectrum disorder diagnosis, an intellectual disability diagnosis, or a developmental disability diagnosis is admissible if it bears on a defendant's mental state and is otherwise admissible – this evidence is already admissible under the Maryland Rules, and does not need a separate law providing for its admissibility before it could be received by a court.

Additionally, the provisions governing pretrial release, Md. Rule 4-216.1, require judicial officers to consider myriad factors about a defendant when making a pretrial release determination. An individual's developmental or intellectual disability would be, and is, considered by a judicial officer pursuant to this rule.