



Maryland Developmental Disabilities Council

CREATING CHANGE • IMPROVING LIVES

House Judiciary Committee

HB 940: Criminal Procedure - Probation Before Judgment - Defendants Diagnosed With Autism
or Intellectual Disabilities

February 18, 2025

Position: Support with Amendments

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. The Council supports HB 940 with amendments as a step toward making Maryland a place where everyone is treated fairly by the criminal justice system.

Amendment Needed: The bill text should include “or Developmental” after “Intellectual” in 6-220.1.(A)(2)(II) so the bill text reads: “AN INTELLECTUAL OR DEVELOPMENTAL DISABILITY”

WHAT does this legislation do?

- The bill requires a court to stay the entering judgement, defer further proceeding, or place the person who is accused (defendant) in a criminal case on probation if:
 - The defendant pleads guilty or nolo contendere, or is found guilty; AND
 - The defendant has Autism Spectrum Disorder, an Intellectual Disability or Developmental Disability; AND
 - The court finds evidence their conduct was the result of their disability.

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.¹
- People with I/DD are under-supported in the criminal justice system. The more tools for courts to identify and provide reasonable accommodations for people with I/DD ensures procedural fairness and prevents them from going into the criminal justice system unnecessarily.

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.

Contact: Rachel London, Executive Director, rlondon@md-council.org

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