

Maryland House Judiciary Committee
House Bill 703: Criminal Procedure - Diagnosis of
Developmental Disability or Intellectual Disability - Evidence
Tuesday, February 11, 2025, 1:00 PM
Position: Support

Chairman Clippinger and members of the Judiciary Committee, thank you for the opportunity to testify on HB703. Disability Rights Maryland (DRM) is the state-designated Protection and Advocacy agency, authorized under federal law to protect and advocate for the rights of individuals with disabilities. DRM works with individuals with intellectual and developmental disabilities (I/DD) who become involved in the criminal justice system. People with I/DD are overrepresented in the criminal justice system both as victims/survivors and as offenders.¹ Individuals with I/DD that become involved in the criminal justice system as suspects, defendants, or incarcerated individuals often face prejudice and a lack of understanding. The U.S. Department of Justice's Letter of Findings issued to Baltimore City in August 2016 found that the Baltimore City Police Department routinely violated the rights of people with disabilities by using unreasonable force against individuals with disabilities and those in crisis, even when the individual committed no crime or was in restraints.²

House Bill 703 recognizes that individuals with I/DD face unique challenges and, without proper consideration, may not receive a fair and just legal process. Specifically, this bill allows for the introduction of evidence of certain diagnoses in criminal proceedings, ensuring that these diagnoses are considered when making decisions related to a defendant's pretrial release. It mandates that a judge or District Court commissioner consider

¹ Roger J Stancliffe, Beverly L Frantz. *Criminal Justice and People with Intellectual and Developmental Disabilities*. June 01, 2024. <https://pubmed.ncbi.nlm.nih.gov/38802095/>

² <https://www.justice.gov/archives/opa/pr/justice-department-announces-findings-investigation-baltimore-police-department>

whether a defendant has been diagnosed with an I/DD, acknowledging that these conditions can significantly impact a person's ability to understand legal proceedings, follow court orders, or engage with the justice system in a typical manner.

Individuals with I/DD are subject to higher rates of abuse and exploitation while incarcerated and are often denied alternatives to incarceration or appropriate habilitation programs that would help them safely return to the community. HB 703 will provide a needed opportunity for diversion away from incarceration for people with I/DD. People with I/DD must receive justice in the criminal justice system, whether as victims, witnesses, suspects, defendants, or incarcerated individuals.

For these reasons, DRM strongly supports House Bill 703 and urges a favorable report.

Respectfully,

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