

House Judiciary Committee

**HB 940:** Criminal Procedure – Probation Before Judgement – Defendants Diagnosed  
With Autism or Intellectual Disabilities

February 17, 2025

Position: Support

The Arc Maryland is the largest statewide advocacy organization dedicated to protecting and advancing the rights and quality of life of people with intellectual and developmental disabilities (IDD).

HB940 would require a court to stay the entering of judgment, defer further proceedings, and place a defendant with a diagnosis of Autism or Intellectual Disability on probation before judgment under certain circumstances. This bill would divert people with Autism and ID away from prison and instead into programs that are specifically tailored to their needs. Diversion programs hold people accountable for their actions and provide a pathway to rehabilitation.

Diversion programs are especially important for people with Autism and IDD as jails and prisons generally do not provide reasonable accommodations people with these disabilities. The unsafe conditions in many jails and prisons leave people with Autism and people with ID vulnerable to abuse. According to studies conducted by the Autism Society, incarcerated people with autism-related behaviors, including outbursts, can be isolated and/or placed in solitary confinement for extended periods of time, causing trauma and exacerbation of these behaviors as time goes on.

People with Autism are caught up in the criminal justice system in increasing numbers. According to the Autism Society, by age 21, approximately 20% of youth with Autism had been stopped and questioned by police, and nearly 5% had been arrested. Often, Autistic characteristics are misinterpreted in the legal system. An estimated 25% of incarcerated people have Autism and/or intellectual/developmental disabilities (IDD).<sup>1</sup> Of note, legislation mirroring this legislation recently passed in Virginia.

For all of these reasons, The Arc Maryland encourages a favorable report on HB940.

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<sup>1</sup> <https://autismsociety.org/autism-justice-center/>