

HOUSE BILL 703

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5lr1923
CF SB 507

By: **Delegates Kaufman, Allen, Feldmark, Guyton, McComas, Phillips, Schindler, Shetty, Taveras, and Terrasa**

Introduced and read first time: January 24, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Diagnosis of Developmental Disability or Intellectual**
3 **Disability – Evidence**

4 FOR the purpose of providing that certain evidence of certain diagnoses is admissible in a
5 criminal proceeding under certain circumstances; requiring a judge or a District
6 Court commissioner to consider any diagnosis for the defendant of a certain
7 developmental disability or intellectual disability when making a pretrial release
8 determination; and generally relating to criminal defendants who have been
9 diagnosed with developmental disability or intellectual disability.

10 BY adding to

11 Article – Courts and Judicial Proceedings
12 Section 10–926
13 Annotated Code of Maryland
14 (2020 Replacement Volume and 2024 Supplement)

15 BY adding to

16 Article – Criminal Procedure
17 Section 5–216
18 Annotated Code of Maryland
19 (2018 Replacement Volume and 2024 Supplement)

20 BY repealing and reenacting, without amendments,

21 Article – Health – General
22 Section 7–101(g) and (n)
23 Annotated Code of Maryland
24 (2023 Replacement Volume and 2024 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
26 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Courts and Judicial Proceedings

10–926.

IN A CRIMINAL PROCEEDING, EVIDENCE, INCLUDING EXPERT TESTIMONY, CONCERNING A DIAGNOSIS FOR THE DEFENDANT OF AN AUTISM SPECTRUM DISORDER, AS DEFINED IN THE MOST RECENT EDITION OF THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS, OR OF A DEVELOPMENTAL DISABILITY OR AN INTELLECTUAL DISABILITY, AS DEFINED IN § 7–101 OF THE HEALTH – GENERAL ARTICLE, IS ADMISSIBLE IF THE EVIDENCE:

(1) TENDS TO SHOW THAT THE DEFENDANT, AT THE TIME OF THE ALLEGED OFFENSE, DID OR DID NOT HAVE THE MENTAL STATE REQUIRED FOR THE OFFENSE CHARGED; AND

(2) IS OTHERWISE ADMISSIBLE UNDER THE MARYLAND RULES.

Article – Criminal Procedure

5–216.

A JUDGE OR A DISTRICT COURT COMMISSIONER SHALL CONSIDER ANY DIAGNOSIS FOR THE DEFENDANT OF A DEVELOPMENTAL DISABILITY OR AN INTELLECTUAL DISABILITY, AS DEFINED IN § 7–101 OF THE HEALTH – GENERAL ARTICLE, WHEN MAKING A PRETRIAL RELEASE DETERMINATION.

Article – Health – General

7–101.

(g) “Developmental disability” means a severe chronic disability of an individual that:

(1) Is attributable to a physical or mental impairment, other than the sole diagnosis of mental illness, or to a combination of mental and physical impairments;

(2) Is manifested before the individual attains the age of 22;

(3) Is likely to continue indefinitely;

(4) Results in an inability to live independently without external support or continuing and regular assistance; and

1 (5) Reflects the need for a combination and sequence of special,
2 interdisciplinary, or generic care, treatment, or other services that are individually planned
3 and coordinated for the individual.

4 (n) “Intellectual disability” means a developmental disability that is evidenced by
5 significantly subaverage intellectual functioning and impairment in the adaptive behavior
6 of an individual.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2025.