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## **An Act To Give the Courts Sentencing Discretion When a Person with a Developmental Disability Has Been Convicted of a Crime**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 17-A MRSA §1152, sub-§2-E** is enacted to read:

**2-E.** Notwithstanding any provision of law to the contrary, if the court finds that the individual has an abnormal condition of the mind as a result of an intellectual disability or an autism spectrum disorder, the court may in its discretion impose a sentence that is less severe than any mandatory minimum sentence that is required by law, including, but not limited to, chapter 51 or 53. For the purposes of this subsection, "intellectual disability" means a disability characterized by significant limitations in both intellectual functioning and the conceptual, social and practical skills that are required for successful everyday functioning and that are recognized by professionals in the field of developmental disabilities as adaptive behavior.

### **SUMMARY**

This bill provides that, notwithstanding any provision of law to the contrary, if the court finds that a convicted person has an abnormal condition of the mind as a result of an intellectual disability or an autism spectrum disorder, the court may in its discretion impose a sentence that is less severe than any mandatory minimum sentence that is required by law, including, but not limited to, the Maine Revised Statutes, Title 17-A, chapter 51 or 53. The bill defines "intellectual disability" as a disability characterized by significant limitations in both intellectual functioning and the conceptual, social and practical skills that are required for successful everyday functioning and that are recognized by professionals in the field of developmental disabilities as adaptive behavior.