

The former reference to a "residential type" facility is deleted as unnecessary in light of the reference to a "home" for individuals requiring "specialized living arrangements".

The only other changes are in style.

The second and third sentences of former Article 59A, § 3(k), which defined "public group home" and "private group home", are deleted as unnecessary.

Defined terms: "Admission" § 7-101
 "Facility" § 7-101
 "Mental retardation" § 7-101
 "Mentally retarded individual" § 7-101

(H) MENTAL RETARDATION.

"MENTAL RETARDATION" MEANS A SIGNIFICANTLY SUBAVERAGE INTELLECTUAL FUNCTIONING AND IMPAIRMENT IN THE ADAPTIVE BEHAVIOR OF AN INDIVIDUAL THAT:

(1) ORIGINATES DURING THE DEVELOPMENTAL PERIOD OF THE INDIVIDUAL; OR

(2) IS CAUSED BY TRAUMA AND REQUIRES THE SAME KIND OF TREATMENT AS IF IT HAD ORIGINATED DURING THE DEVELOPMENTAL PERIOD.

REVISOR'S NOTE: This subsection is new language derived without substantive change from the first sentence of former Article 59A, § 3(1).

The Commission to Revise the Annotated Code notes, for consideration by the General Assembly, that this subsection is confusing and perhaps should be reexamined in its entirety. The General Assembly may wish to consider whether the term "developmental period" should be defined to clarify whether the term includes only individuals under the age of 18 years or other individuals. The General Assembly also may wish to consider clarifying the term "trauma", which the Administration interprets as encompassing nonphysical trauma, such as disease or illness.

The second sentence of former Article 59A, § 3(1), which stated that the "term {mental retardation} shall replace the terms 'defective,' 'mental defective,' 'idiot,' 'feeble-minded' and 'moron' as they may appear in the statutes of the State of Maryland" is deleted. The Commission believes that the sentence was intended as a statement of policy --