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Definition Of Institutionalized Severely Or Profoundly Mentally Retarded Person

The phrase “severely or profoundly intellectually disabled person” means a person

[1] whose intelligence quotient does not exceed 40.

[or]

[2] whose intelligence quotient does not exceed 55 and who suffers from significant mental illness to the extent that the person’s ability to exercise rational judgment is impaired.

Committee Note

Instruction and Committee Note Approved May 24, 2013.

720 ILCS 5/2-10.1 (West 2013), effective January 1, 2012.

In P.A. 97-277, the Illinois General Assembly substituted the term “intellectually disabled person” for “mentally retarded person” in all statutes which use the term “mentally retarded”. In doing so, the General Assembly declared that this substitution was done without any intent to change the substantive rights, responsibilities, coverage, eligibility, or definitions referred to in the amended provisions represented in P.A. 97-277. Accordingly, the Committee believes that the term “intellectually disabled” should be used in place of “mentally retarded” even where the offense occurred before the effective date of P.A. 97-277.