

11.65G

Definition Of Institutionalized Severely Or Profoundly Mentally Retarded Person

The phrase “institutionalized severely or profoundly mentally retarded person” means a person who is institutionalized in a developmental disability facility, nursing home facility, or long term care facility, and

[1] the person's intelligence quotient does not exceed 40.

[or]

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

Committee Note

720 ILCS 5/2-10.1 (West 1992) (formerly Ill.Rev.Stat. ch. 38, §2-10.1 (1991)), added by P.A. 85-1392, effective January 1, 1989, and amended by P.A. 87-1198, effective September 25, 1992.

The bracketed numbers are present solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.