Criminal Liability in ADHD Subjects under the Spanish Criminal Law

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ABSTRACT
The aim of the present article is to focus on the general hypothesis of the possible link between the Attention-Deficit Hyperactivity Disorder (ADHD) individual diagnosis and the risk to develop disruptive and antisocial behaviors that may lead to the commission of unlawful acts in the future. Mainly when there is a severe disorder that can affect the comprehension of the criminal liability in the defendant. This idea is based on several studies and researches that in recent years have raised the question about ADHD and criminal behavior. The search for an answer to the question above is justified by the confluence of various fields of knowledge, which confirms that the analysis carried out has been established on the multidisciplinary and interdisciplinary study of ADHD. Specifically, the research has focused its target to Sciences such are Psychology, Criminology and Criminal Law. That is why we are going to divide the analysis in different section, starting with the general ones (concept, diagnostic criteria, comorbidity, the new structure of DSM and its influence on ADHD) to continue with the most specific aspects (criminal behavior, criminal liability). Finally, the last part of the article is dedicated to know which is the legal opinion and treatment by the Spanish Criminal Law.