

HOUSE BILL 740

E4
HB 1002/19 – JUD

0lr1470

By: **Delegates J. Lewis, Acevero, Anderson, Arian, Bagnall, D. Barnes, Bridges, Cardin, Conaway, Crutchfield, D.M. Davis, Feldmark, W. Fisher, Guyton, Hettleman, Ivey, Korman, Krebs, R. Lewis, Lierman, Lopez, Love, McComas, Moon, Mosby, Palakovich Carr, Shetty, Stewart, Valentino-Smith, and Williams**

Introduced and read first time: January 30, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Restrictive Housing – Direct Release**

3 FOR the purpose of requiring the Commissioner of Correction to provide a certain inmate
4 with a certain transitional process at a certain time; establishing the requirements
5 of a certain transitional process; prohibiting an inmate from being placed in
6 restrictive housing within a certain number of days before release except under
7 certain circumstances; requiring a certain inmate to receive a certain placement
8 authorization; requiring a certain inmate to sign a certain acknowledgment of
9 receipt; requiring the Commissioner to document a certain action in a certain
10 manner; requiring a certain inmate to receive a copy of a certain release plan and
11 notification under certain circumstances; defining a certain term; providing for the
12 application of this Act; and generally relating to restrictive housing of inmates.

13 BY repealing and reenacting, without amendments,
14 Article – Correctional Services
15 Section 9–614(a)
16 Annotated Code of Maryland
17 (2017 Replacement Volume and 2019 Supplement)

18 BY adding to
19 Article – Correctional Services
20 Section 9–614.2
21 Annotated Code of Maryland
22 (2017 Replacement Volume and 2019 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
24 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Correctional Services

1
2 9–614.

3 (a) (1) In this section the following words have the meanings indicated.

4 (2) “Correctional unit” has the meaning stated in § 2–401 of this article.

5 (3) (i) “Restrictive housing” means a form of physical separation that
6 has not been requested by the inmate in which the inmate is placed in a locked room or cell
7 for approximately 22 hours or more out of a 24–hour period.

8 (ii) “Restrictive housing” includes administrative segregation and
9 disciplinary segregation.

10 **9–614.2.**

11 **(A) IN THIS SECTION, “RESTRICTIVE HOUSING” HAS THE MEANING STATED**
12 **IN § 9–614 OF THIS SUBTITLE.**

13 **(B) THIS SECTION DOES NOT APPLY TO:**

14 **(1) AN INMATE WHO POSES A SUBSTANTIAL AND IMMEDIATE THREAT**
15 **TO OTHERS;**

16 **(2) ADMINISTRATIVE SEGREGATION OF AN INMATE FOR NOT MORE**
17 **THAN 5 DAYS FOR REASONS RELATED TO THE RELEASE OF THE INMATE; OR**

18 **(3) AN INMATE WHO REQUESTS VOLUNTARY PLACEMENT IN**
19 **ADMINISTRATIVE OR RESTRICTIVE HOUSING.**

20 **(C) MORE THAN 180 DAYS BEFORE THE DIRECT RELEASE FROM A FACILITY**
21 **TO THE COMMUNITY OF AN INMATE WHO HAS BEEN PLACED IN RESTRICTIVE**
22 **HOUSING, THE COMMISSIONER OF CORRECTION SHALL PROVIDE TO THE INMATE A**
23 **TRANSITIONAL PROCESS DESCRIBED IN SUBSECTION (D) OF THIS SECTION.**

24 **(D) A TRANSITIONAL PROCESS SHALL INCLUDE:**

25 **(1) SUBSTANTIAL RESOCIALIZATION PROGRAMMING IN A GROUP**
26 **SETTING;**

27 **(2) REGULAR MENTAL HEALTH COUNSELING TO ASSIST IN THE**
28 **TRANSITION;**

1 **(3) ASSISTANCE IN FINDING HOUSING AND OBTAINING STATE AND**
2 **FEDERAL BENEFITS; AND**

3 **(4) REENTRY PLANNING, CONTINUUM OF CARE, AND REFERRAL**
4 **SERVICES OFFERED TO INMATES IN A GENERAL POPULATION SETTING, INCLUDING:**

5 **(I) SUBSTANCE ABUSE EDUCATION AND TREATMENT**
6 **REFERRALS;**

7 **(II) JOB READINESS AND PRE-EMPLOYMENT TRAINING;**

8 **(III) VOCATIONAL SKILLS AND CAREER RESOURCES;**

9 **(IV) VIOLENCE PREVENTION;**

10 **(V) CONFLICT RESOLUTION;**

11 **(VI) COGNITIVE THINKING SKILLS;**

12 **(VII) PARENTING COURSES; AND**

13 **(VIII) EDUCATIONAL ORIENTATION.**

14 **(E) (1) AN INMATE MAY NOT BE PLACED IN RESTRICTIVE HOUSING**
15 **WITHIN 180 DAYS BEFORE A RELEASE DATE, UNLESS THE WARDEN OR THE**
16 **WARDEN'S DESIGNEE MAKES AN INDIVIDUALIZED DETERMINATION AND CERTIFIES**
17 **IN WRITING, BASED ON CLEAR AND CONVINCING EVIDENCE, THAT:**

18 **(I) THE INMATE POSES A GRAVE RISK OF HARM TO OTHERS OR**
19 **THE SECURITY OF THE FACILITY AND ALL OTHER LESS RESTRICTIVE OPTIONS HAVE**
20 **BEEN EXHAUSTED; OR**

21 **(II) THE INMATE POSES AN IMMEDIATE AND CREDIBLE FLIGHT**
22 **RISK THAT CANNOT BE REASONABLY PREVENTED BY OTHER MEANS.**

23 **(2) (I) AN INMATE PLACED IN RESTRICTIVE HOUSING SHALL**
24 **RECEIVE A COPY OF THE PLACEMENT AUTHORIZATION, RECEIPT FOR WHICH IS TO**
25 **BE SIGNED BY THE INMATE, STATING:**

26 **1. THE REASONING ON WHICH THE DETERMINATION TO**
27 **PLACE THE INMATE IN RESTRICTIVE HOUSING WAS MADE;**

1 **2. THE LENGTH OF TIME OF PLACEMENT; AND**

2 **3. PROCEDURES FOR APPEALING THE PLACEMENT.**

3 **(II) THE INMATE SHALL SIGN AN ACKNOWLEDGMENT OF**
4 **RECEIPT OF THE PLACEMENT AUTHORIZATION.**

5 **(F) (1) THE COMMISSIONER OF CORRECTION SHALL DOCUMENT IN**
6 **WRITING THE JUSTIFICATION FOR AN INMATE BEING RELEASED DIRECTLY FROM**
7 **RESTRICTIVE HOUSING TO THE COMMUNITY.**

8 **(2) AN INMATE RELEASED DIRECTLY FROM RESTRICTIVE HOUSING**
9 **TO THE COMMUNITY SHALL BE PROVIDED:**

10 **(I) UNLESS THE RELEASE IS A RESULT OF A COURT ORDER**
11 **REQUIRING AN IMMEDIATE RELEASE, A RELEASE PLAN TAILORED TO THE SPECIFIC**
12 **NEEDS OF THE INMATE; AND**

13 **(II) NOTIFICATION OF APPLICABLE AND AVAILABLE**
14 **COMMUNITY RESOURCES.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2020.