

SENATE BILL 774

E4

9lr1304
CF 9lr1537

By: **Senators Smith, Carter, Hester, Lee, McCray, Nathan–Pulliam, Waldstreicher,
and Washington**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Restrictive Housing – Reporting by Correctional Units**
3 **and Requirements Relating to Minors**

4 FOR the purpose of expanding the entities required to submit a certain report relating to
5 restrictive housing; prohibiting a certain correctional unit from placing a minor in
6 certain restrictive housing unless a certain managing official makes a certain
7 finding; requiring a minor placed in restrictive housing to be provided certain
8 privileges and conditions; requiring a certain managing official or designee to make
9 a certain record under certain circumstances; altering a certain definition; defining
10 certain terms; making conforming changes; and generally relating to restrictive
11 housing.

12 BY repealing and reenacting, with amendments,
13 Article – Correctional Services
14 Section 9–614
15 Annotated Code of Maryland
16 (2017 Replacement Volume and 2018 Supplement)

17 BY adding to
18 Article – Correctional Services
19 Section 9–614.1
20 Annotated Code of Maryland
21 (2017 Replacement Volume and 2018 Supplement)

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

24 **Article – Correctional Services**

25 9–614.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) In this section[, “restrictive”] **THE FOLLOWING WORDS HAVE THE**
2 **MEANINGS INDICATED.**

3 (2) **“CORRECTIONAL UNIT” HAS THE MEANING STATED IN § 2-401 OF**
4 **THIS ARTICLE.**

5 (3) (I) **“RESTRICTIVE housing”** means a form of physical separation
6 **THAT HAS NOT BEEN REQUESTED BY THE INMATE** in which the inmate is placed in a
7 locked room or cell for approximately 22 hours or more out of a
8 24-hour period.

9 [(2)] (II) **“Restrictive housing”** includes administrative segregation and
10 disciplinary segregation.

11 (b) (1) On or before December 31 each year, [the Department] **EACH**
12 **CORRECTIONAL UNIT** shall submit data to the Governor’s Office of Crime Control and
13 Prevention and the General Assembly, in accordance with § 2-1246 of the State
14 Government Article, showing, by correctional [facility] **UNIT**:

15 (i) the total population of the correctional [facility] **UNIT**;

16 (ii) the number of inmates who have been placed in restrictive
17 housing during the preceding year by age, race, gender, classification of housing, and the
18 basis for the inmate’s placement in restrictive housing;

19 (iii) the number of inmates with serious mental illness that were
20 placed in restrictive housing during the preceding year;

21 (iv) the definition of “serious mental illness” used by the
22 [Department] **CORRECTIONAL UNIT** in making the report;

23 (v) the number of inmates known to be pregnant when placed in
24 restrictive housing during the preceding year;

25 (vi) the average and median lengths of stay in restrictive housing of
26 the inmates placed in restrictive housing during the preceding year;

27 (vii) the number of incidents of death, self-harm, and attempts at
28 self-harm by inmates in restrictive housing during the preceding year;

29 (viii) the number of inmates released from restrictive housing directly
30 into the community during the preceding year;

1 (ix) any other data the [Department] CORRECTIONAL UNIT
2 considers relevant to the use of restrictive housing by correctional facilities in the State;
3 and

4 (x) any changes to written policies or procedures at each correctional
5 [facility] UNIT relating to the use and conditions of restrictive housing, including steps to
6 reduce reliance on restrictive housing.

7 (2) The Governor's Office of Crime Control and Prevention shall make the
8 information submitted in accordance with paragraph (1) of this subsection available on its
9 [Web site] WEBSITE.

10 **9-614.1.**

11 (A) IN THIS SECTION, "RESTRICTIVE HOUSING" HAS THE MEANING STATED
12 IN § 9-614 OF THIS SUBTITLE.

13 (B) THIS SECTION APPLIES TO A FACILITY OPERATED BY A CORRECTIONAL
14 UNIT, AS DEFINED IN § 2-401 OF THIS ARTICLE.

15 (C) A MINOR MAY NOT BE PLACED IN RESTRICTIVE HOUSING UNLESS THE
16 MANAGING OFFICIAL OF THE FACILITY FINDS BY CLEAR AND CONVINCING EVIDENCE
17 THAT THE MINOR POSES AN IMMEDIATE AND SUBSTANTIAL RISK:

18 (1) OF PHYSICAL HARM TO THE MINOR, OTHER INMATES, OR STAFF;
19 OR

20 (2) TO THE SECURITY OF THE FACILITY.

21 (D) A MINOR PLACED IN RESTRICTIVE HOUSING SHALL BE PROVIDED:

22 (1) DAILY PHYSICAL AND MENTAL HEALTH ASSESSMENTS TO
23 DETERMINE WHETHER THE MINOR MAY BE RELEASED FROM RESTRICTIVE HOUSING;

24 (2) THE SAME STANDARD OF ACCESS THAT IS PROVIDED TO INMATES
25 NOT IN RESTRICTIVE HOUSING TO:

26 (I) PHONE CALLS;

27 (II) VISITS;

28 (III) MAIL;

29 (IV) FOOD;

- 1 **(V) WATER;**
- 2 **(VI) SHOWERS;**
- 3 **(VII) SANITARY SUPPLIES;**
- 4 **(VIII) PROPERTY, INCLUDING CLOTHING AND BEDDING; AND**
- 5 **(IX) MEDICAL, MENTAL, AND DENTAL HEALTH CARE; AND**
- 6 **(3) MAXIMIZED ACCESS TO RECREATION, EDUCATION, AND**
7 **PROGRAMMING.**

8 **(E) IF A PRIVILEGE OR CONDITION DESCRIBED IN SUBSECTION (D) OF THIS**
9 **SECTION IS NOT PROVIDED TO THE MINOR, THE MANAGING OFFICIAL OR THE**
10 **MANAGING OFFICIAL'S DESIGNEE SHALL RECORD THE REASON IN THE MINOR'S**
11 **FILE.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2019.