

SENATE BILL 977

E5

2lr3092
CF HB 67

By: **Senator Lee**

Introduced and read first time: February 15, 2022

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Step-Down Programs – Cause of Action**

3 FOR the purpose of providing for a certain step-down program that the Commissioner of
4 Correction is required to provide to a certain inmate in a certain manner; authorizing
5 a certain civil action for damages; and generally relating to programs for inmates.

6 BY repealing and reenacting, without amendments,
7 Article – Correctional Services
8 Section 9–614(a)
9 Annotated Code of Maryland
10 (2017 Replacement Volume and 2021 Supplement)

11 BY adding to
12 Article – Correctional Services
13 Section 9–614.2
14 Annotated Code of Maryland
15 (2017 Replacement Volume and 2021 Supplement)

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

18 **Article – Correctional Services**

19 9–614.

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

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

22 (3) (i) “Restrictive housing” means a form of physical separation that
23 has not been requested by the inmate in which the inmate is placed in a locked room or cell

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 for approximately 22 hours or more out of a 24-hour period.

2 (ii) "Restrictive housing" includes administrative segregation and
3 disciplinary segregation.

4 **9-614.2.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
6 INDICATED.

7 (2) "MULTIDISCIPLINARY TREATMENT TEAM" MEANS AN
8 INTEGRATED TEAM THAT MEETS TO DEVELOP AND PROVIDE NECESSARY HEALTH
9 AND BEHAVIORAL HEALTH CARE SERVICES AND INDIVIDUALIZED TREATMENT THAT
10 ADDRESSES THE NEEDS OF AN INMATE IN RESTRICTIVE HOUSING OR IN A
11 STEP-DOWN PROGRAM.

12 (3) "STEP-DOWN PROGRAM" MEANS A SYSTEM OF REVIEW WITH
13 ESTABLISHED CRITERIA THAT PREPARES AN INMATE FOR TRANSITION TO THE
14 GENERAL POPULATION OR THE COMMUNITY.

15 (B) BEFORE THE TRANSFER OF AN INMATE PLACED IN RESTRICTIVE
16 HOUSING TO THE GENERAL POPULATION OR THE DIRECT RELEASE OF AN INMATE
17 FROM A FACILITY TO THE COMMUNITY, THE COMMISSIONER OF CORRECTION SHALL
18 PROVIDE TO THE INMATE A STEP-DOWN PROGRAM.

19 (C) (1) A STEP-DOWN PROGRAM SHALL BE INDIVIDUALIZED TO THE
20 NEEDS OF THE INMATE AND INVOLVE A COORDINATED, MULTIDISCIPLINARY
21 TREATMENT TEAM APPROACH.

22 (2) A MULTIDISCIPLINARY TREATMENT TEAM MAY INCLUDE
23 PSYCHOLOGISTS, PSYCHIATRIC PRACTITIONERS, LICENSED SOCIAL WORKERS,
24 LICENSED MENTAL HEALTH COUNSELORS, REGISTERED NURSES, ACTIVITY
25 THERAPISTS, AND CORRECTIONAL STAFF.

26 (3) IF AN INMATE NEEDS CHRONIC CARE OR OTHER SIGNIFICANT
27 MEDICAL ACCOMMODATION TO PARTICIPATE IN THE PROGRAM, THE
28 MULTIDISCIPLINARY TREATMENT TEAM SHALL INCLUDE APPROPRIATE MEDICAL
29 PERSONNEL.

30 (D) A STEP-DOWN PROGRAM SHALL INCLUDE:

31 (1) A PRE-SCREENING EVALUATION;

32 (2) MONTHLY EVALUATIONS USING A MULTIDISCIPLINARY

1 TREATMENT TEAM APPROACH TO DETERMINE THE INMATE'S COMPLIANCE WITH
2 PROGRAM REQUIREMENTS;

3 (3) SUBJECT TO MONTHLY EVALUATIONS:

4 (I) GRADUALLY INCREASED OUT-OF-CELL TIME;

5 (II) GRADUALLY INCREASED GROUP INTERACTION;

6 (III) GRADUALLY INCREASED EDUCATION AND PROGRAMMING
7 OPPORTUNITIES; AND

8 (IV) GRADUALLY INCREASED PRIVILEGES;

9 (4) A STEP-DOWN TRANSITION COMPLIANCE REVIEW; AND

10 (5) A POSTSCREENING EVALUATION.

11 (E) AN INMATE WITH LESS THAN 180 DAYS UNTIL RELEASE TO THE
12 COMMUNITY MAY NOT BE DENIED ACCESS TO A STEP-DOWN PROGRAM UNLESS THE
13 WARDEN OR THE WARDEN'S DESIGNEE MAKES AN INDIVIDUALIZED DETERMINATION
14 CERTIFIED IN WRITING AND BASED ON CLEAR AND CONVINCING EVIDENCE THAT
15 THE INMATE POSES:

16 (1) A GRAVE RISK OF HARM TO OTHERS OR THE SECURITY OF THE
17 FACILITY AND ALL OTHER LESS RESTRICTIVE OPTIONS HAVE BEEN EXHAUSTED; OR

18 (2) AN IMMEDIATE AND CREDIBLE FLIGHT RISK THAT CANNOT BE
19 REASONABLY PREVENTED BY OTHER MEANS.

20 (F) THE COMMISSIONER OF CORRECTION SHALL DOCUMENT IN WRITING
21 THE JUSTIFICATION FOR AN INMATE BEING TRANSFERRED DIRECTLY FROM
22 RESTRICTIVE HOUSING TO THE GENERAL POPULATION OR RELEASED DIRECTLY
23 FROM INCARCERATION TO THE COMMUNITY WITHOUT HAVING PARTICIPATED IN A
24 STEP-DOWN PROGRAM.

25 (G) A FORMER INMATE WHO HAS SUFFERED A SPECIFIC AND DIRECT INJURY
26 FROM A DENIAL OF THE RIGHT TO ACCESS A STEP-DOWN PROGRAM UNDER THIS
27 SECTION MAY BRING A CIVIL ACTION IN A COURT OF COMPETENT JURISDICTION FOR
28 DAMAGES, INCLUDING COSTS AND REASONABLE ATTORNEY'S FEES.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2022.