

# HOUSE BILL 775

E4

9lr2880

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By: **Delegate Bartlett**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Correctional Services – Maryland Correctional Institution for Women – Reforms**

3 FOR the purpose of stating the intention of the General Assembly that the Department of  
4 Public Safety and Correctional Services implement certain reforms at the Maryland  
5 Correctional Institution for Women to the extent that funds are available in the State  
6 budget; stating the intention of the General Assembly that certain reforms be  
7 implemented by taking into consideration a certain report and within a certain time  
8 period; requesting and encouraging the Governor to appropriate certain funds for  
9 certain fiscal years for a certain purpose; requiring the Department to make a certain  
10 annual report; and generally relating to the Maryland Correctional Institution for  
11 Women.

12 BY adding to

13 Article – Correctional Services

14 Section 10–802

15 Annotated Code of Maryland

16 (2017 Replacement Volume and 2018 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Correctional Services**

20 **10–802.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1           IT IS THE INTENTION OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT  
2 IMPLEMENT THE FOLLOWING REFORMS AT THE MARYLAND CORRECTIONAL  
3 INSTITUTION FOR WOMEN (MCIW) TO THE EXTENT FUNDS ARE AVAILABLE IN THE  
4 STATE BUDGET:

5           (1)   ADOPT STANDARDS ENDORSED BY THE NATIONAL COMMISSION  
6 ON CORRECTIONAL HEALTH CARE TO PROHIBIT PLACEMENT OF INDIVIDUALS WITH  
7 SERIOUS DISABILITIES IN RESTRICTIVE HOUSING, EXCEPT IN LIMITED EXIGENT  
8 CIRCUMSTANCES WHEN REASONABLE ALTERNATIVES ARE NOT AVAILABLE AND  
9 THERE IS ACTUAL OR THREATENED IMMINENT HARM;

10          (2)   REDUCE PERIODS OF ADMINISTRATIVE SEGREGATION AND  
11 DISCIPLINARY SANCTIONS AND PROBATE EXISTING SEGREGATION TIME TO  
12 CONFORM TO NATIONALLY AND CLINICALLY ENDORSED STANDARDS;

13          (3)   DEVELOP ALTERNATIVES TO RESTRICTIVE HOUSING FOR  
14 INDIVIDUALS WITH SERIOUS DISABILITIES;

15          (4)   IMPLEMENT A MANDATORY PRESCREENING EVALUATION  
16 PROCESS BEFORE PLACEMENT IN RESTRICTIVE HOUSING TO IDENTIFY INDIVIDUALS  
17 WITH SERIOUS DISABILITIES, DIVERT THOSE INDIVIDUALS FROM RESTRICTIVE  
18 HOUSING UNITS, AND MATCH THOSE INDIVIDUALS TO ALTERNATIVES;

19          (5)   SUBJECT TREATMENT PLANS TO EXTERNAL REVIEW TO ENSURE  
20 THE PLANS COMPLY WITH PROFESSIONAL STANDARDS OF CARE;

21          (6)   MODIFY THE CONTRACTS OR POLICIES THAT ALLOW  
22 UNACCEPTABLE CONDITIONS IN THE INPATIENT MENTAL HEALTH TREATMENT  
23 UNIT, INCLUDING SEVERE RESTRICTIONS ON TIME OUT OF CELL, LACK OF  
24 CONFIDENTIAL ENCOUNTERS WITH HEALTH PROFESSIONALS, AND INADEQUATE  
25 TREATMENT PLANS;

26          (7)   AUTHORIZE THE USE OF MEASURES SUCH AS LACK OF CLOTHING  
27 OR PERSONAL PROPERTY, LACK OF BEDDING, LACK OF PROGRAMMING, AND  
28 24-HOUR ILLUMINATION IN CELLS ONLY IF REQUIRED BASED ON INDIVIDUALIZED  
29 ASSESSMENT;

30          (8)   REPLACE PLEXIGLAS WINDOWS THAT LIMIT VISIBILITY;

31          (9)   OBTAIN SUICIDE-RESISTANT MATTRESSES AND UTENSILS;

32          (10)  MODIFY THE CONTRACTS OR POLICIES THAT ALLOW SUCH  
33 UNACCEPTABLE CONDITIONS IN THE INFIRMARY AS RESTRICTIONS ON TIME OUT OF

1 CELL, LACK OF ACCESS TO NATURAL LIGHT, LACK OF ACCESS TO RECREATION, AND  
2 LACK OF ACCESS TO COMMISSARY FOOD ITEMS;

3 (11) MANDATE EXTERNAL REVIEW OF SITUATIONS REQUIRING  
4 EXTENDED STAYS IN THE INFIRMARY AND STAYS IN THE INFIRMARY FOR  
5 NONACUTE CARE;

6 (12) REVISE POLICIES REQUIRING ALL PREGNANT WOMEN TO BE  
7 PLACED IN THE INFIRMARY TO DECISIONS BASED ON CHOICE OR MEDICAL  
8 NECESSITY;

9 (13) REEVALUATE THE CENTRALIZED HIRING PROCESS TO ALLOW  
10 VACANCIES TO BE FILLED MORE QUICKLY, ESPECIALLY FOR HEALTH CARE  
11 POSITIONS;

12 (14) DEVELOP A METHOD TO ADDRESS THE MENTAL HEALTH NEEDS OF  
13 WOMEN WHO REQUIRE INTENSIVE SERVICES BEYOND WHAT CAN BE PROVIDED AT  
14 MCIW;

15 (15) PROVIDE EDUCATION AND WRITTEN MATERIALS TO STAFF AND  
16 INCARCERATED WOMEN ON THE AMERICANS WITH DISABILITIES ACT AND  
17 PROCESSES FOR REQUESTING ACCOMMODATIONS;

18 (16) OFFER MORE OPPORTUNITIES FOR INDIVIDUALS IN RESTRICTIVE  
19 HOUSING TO SPEND TIME OUT OF THEIR CELLS AND TO HAVE ACCESS TO ACTIVITIES  
20 SUCH AS MEDITATION EXERCISES, MUSIC, AND TELEVISION WHEN IN THEIR CELLS;

21 (17) CONSIDER ALTERNATIVE PLACEMENTS FOR INDIVIDUALS WHO  
22 CONTINUE TO DETERIORATE OR HAVE EXTENDED TIME IN THE INPATIENT MENTAL  
23 HEALTH TREATMENT UNIT OR INFIRMARY, AND WHO MAY BENEFIT FROM SERVICES  
24 BEYOND WHAT IS AVAILABLE AT MCIW;

25 (18) EXPAND THE USE OF MEDICAL PAROLE;

26 (19) ENSURE THAT POLICIES REGARDING THE USE OF RESTRAINTS  
27 REQUIRE THAT AN INDIVIDUAL BE RELEASED ONCE THE INDIVIDUAL IS CALM OR  
28 HAS STABILIZED;

29 (20) ENSURE THAT CLINICAL ENCOUNTERS ARE OFFERED IN A  
30 CONFIDENTIAL SETTING;

31 (21) REVIEW SEGREGATION AND LOG SHEETS TO ESTABLISH  
32 COMPLIANCE WITH RECORD-KEEPING AND SUBSTANTIVE PRISON POLICIES;

1           **(22) ALLOW WOMEN TO COPY THEIR HEALTH CARE RECORDS WITHOUT**  
2 **CHARGE, WITH NARROW EXCEPTIONS;**

3           **(23) COMPLETE ANTILIGATURE ASSESSMENTS AND IMPLEMENT**  
4 **NECESSARY CHANGES FACILITY-WIDE;**

5           **(24) ELIMINATE PHYSICAL BARRIERS THAT PREVENT PERSONS USING**  
6 **WHEELCHAIRS FROM ACCESSING THE GYMNASIUM;**

7           **(25) DEMOLISH THE OLDER HOUSING UNITS;**

8           **(26) CONSTRUCT ALTERNATIVES TO RESTRICTIVE HOUSING UNITS;**

9 ~~AND~~

10           **(27) DEVELOP CONTRACTS WITH MARYLAND'S ANCHOR HEALTH CARE**  
11 **INSTITUTIONS OR UNIVERSITIES TO RUN HEALTH CARE OPERATIONS AT MCIW; AND**

12           **(28) BEGINNING ON OR BEFORE FEBRUARY 1, 2020, PROVIDE AND**  
13 **OFFER TO FEMALE INMATES DESIGNATED IN PRERELEASE STATUS**  
14 **COMPREHENSIVE PRERELEASE SERVICES THAT ARE THE SAME AS AND OF EQUAL**  
15 **QUALITY TO THE COMPREHENSIVE PRERELEASE SERVICES PROVIDED AND**  
16 **OFFERED TO MALE INMATES.**

17           SECTION 2. AND BE IT FURTHER ENACTED, That it is the intention of the  
18 General Assembly that in implementing the reforms outlined in § 10-802 of the  
19 Correctional Services Article, as enacted by Section 1 of this Act, the Department of Public  
20 Safety and Correctional Services:

21           (1) take into consideration the recommendations of Disability Rights  
22 Maryland in its report entitled "Segregation and Suicide: Confinement at the Maryland  
23 Correctional Institution for Women"; and

24           (2) begin taking action to implement the reforms as soon as possible after  
25 the effective date of this Act.

26           SECTION 3. AND BE IT FURTHER ENACTED, That the Governor is requested and  
27 encouraged to appropriate sufficient funds for each fiscal year beginning in fiscal year 2020  
28 to implement all necessary reforms at the Maryland Correctional Institute for Women, as  
29 set forth in Sections 1 and 2 of this Act.

30           SECTION 4. AND BE IT FURTHER ENACTED, That, on or before December 1,  
31 2020, and on or before December 1 each year thereafter, the Department of Public Safety  
32 and Correctional Services shall report to the General Assembly, in accordance with §  
33 2-1246 of the State Government Article, on the progress made in implementing the reforms  
34 outlined in § 10-802 of the Correctional Services Article, as enacted by Section 1 of this Act.

1 SECTION ~~3~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2019.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.