

HOUSE BILL 1001

E4

9lr1537
CF SB 774

By: **Delegates J. Lewis, Acevero, Atterbeary, D. Barnes, Barron, Bridges, Charkoudian, Conaway, Crutchfield, D.M. Davis, W. Fisher, Glenn, Guyton, Healey, Hornberger, Ivey, Jalisi, Kelly, R. Lewis, Lierman, Lopez, Love, Moon, Mosby, Queen, Rosenberg, Shetty, Smith, Solomon, Sydnor, Turner, R. Watson, and Wilkins**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2019

CHAPTER _____

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; repealing a requirement that certain data be submitted to the
6 General Assembly; requiring the Governor’s Office of Crime Control and Prevention
7 to compile and summarize certain information and submit a certain summary to the
8 General Assembly; prohibiting a certain correctional unit from placing a minor in
9 certain restrictive housing unless a certain managing official makes a certain
10 finding; requiring a minor placed in restrictive housing to be provided certain
11 privileges and conditions; requiring a certain managing official or designee to make
12 a certain record under certain circumstances; authorizing a certain aggrieved minor
13 to take certain actions under certain circumstances; altering a certain definition;
14 defining certain terms; making conforming changes; and generally relating to
15 restrictive housing.

16 BY repealing and reenacting, with amendments,
17 Article – Correctional Services
18 Section 9–614
19 Annotated Code of Maryland
20 (2017 Replacement Volume and 2018 Supplement)

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 BY adding to
2 Article – Correctional Services
3 Section 9–614.1
4 Annotated Code of Maryland
5 (2017 Replacement Volume and 2018 Supplement)

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

8 **Article – Correctional Services**

9 9–614.

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

12 **(2) “CORRECTIONAL UNIT” HAS THE MEANING STATED IN § 2–401 OF**
13 **THIS ARTICLE.**

14 **(3) (I) “RESTRICTIVE housing” means a form of physical separation**
15 **THAT HAS NOT BEEN REQUESTED BY THE INMATE** in which the inmate is placed in a
16 locked room or cell for approximately 22 hours or more out of a
17 24–hour period.

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

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

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

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

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

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

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

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

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

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

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

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

15 (2) The Governor's Office of Crime Control and Prevention shall ~~make~~:

16 (I) COMPILE AND SUMMARIZE the information submitted in
17 accordance with paragraph (1) of this subsection;

18 (II) SUBMIT THE SUMMARY TO THE GENERAL ASSEMBLY, IN
19 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE; AND

20 (III) MAKE THE SUMMARY available on its [Web site] WEBSITE.

21 **9-614.1.**

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

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

26 (C) **A MINOR MAY NOT BE PLACED IN RESTRICTIVE HOUSING UNLESS THE**
27 **MANAGING OFFICIAL OF THE FACILITY FINDS BY CLEAR AND CONVINCING EVIDENCE**
28 **THAT ~~THE MINOR POSES~~ THERE IS AN IMMEDIATE AND SUBSTANTIAL RISK:**

29 (1) **OF PHYSICAL HARM TO THE MINOR, OTHER INMATES, OR STAFF;**
30 **OR**

1 **(2) TO THE SECURITY OF THE FACILITY.**

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

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

5 **(2) THE SAME STANDARD OF ACCESS THAT IS PROVIDED TO INMATES**
6 **NOT IN RESTRICTIVE HOUSING TO:**

7 **(I) PHONE CALLS;**

8 **(II) VISITS;**

9 **(III) MAIL;**

10 **(IV) FOOD;**

11 **(V) WATER;**

12 **(VI) SHOWERS;**

13 **(VII) SANITARY SUPPLIES;**

14 **(VIII) PROPERTY, INCLUDING CLOTHING AND BEDDING; AND**

15 **(IX) MEDICAL, MENTAL, AND DENTAL HEALTH CARE; AND**

16 **(3) MAXIMIZED ACCESS TO RECREATION, EDUCATION, AND**
17 **PROGRAMMING.**

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

22 **(F) IF A CORRECTIONAL UNIT FAILS TO SATISFY A PROVISION OF THIS**
23 **SECTION, AN AGGRIEVED MINOR MAY:**

24 **(1) SEEK REDRESS BY MEANS OF ANY APPROPRIATE LEGAL REMEDY;**

25 **AND**

26 **(2) RECOVER COURT COSTS.**

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.