

# HOUSE BILL 1002

E4

9lr1425

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By: Delegates J. Lewis, Atterbeary, Bridges, Carr, Charkoudian, Conaway, Cox, Crutchfield, D.M. Davis, Dumais, W. Fisher, Glenn, Guyton, Hettleman, Jalisi, Kelly, Korman, Lierman, Lopez, Love, Luedtke, Moon, Mosby, Palakovich Carr, Queen, Shetty, Stewart, Sydnor, Turner, R. Watson, Wells, and Wilkins

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of prohibiting the Commissioner of Corrections from directly releasing an  
4 inmate who has been placed in restrictive housing from a facility to the community  
5 without providing the inmate a certain transitional process and within a certain time  
6 period from release; establishing the requirements of a certain transitional process;  
7 prohibiting an inmate from being placed in restrictive housing within a certain  
8 number of days of release, except under certain circumstances; requiring a certain  
9 inmate to receive certain placement authorization in a certain manner; requiring the  
10 Commissioner to document a certain action in a certain manner; requiring a certain  
11 inmate to receive a copy of a certain release plan and information under certain  
12 circumstances; defining a certain term; and generally relating to restrictive housing  
13 of inmates.

14 BY repealing and reenacting, without amendments,  
15 Article – Correctional Services  
16 Section 9–614(a)  
17 Annotated Code of Maryland  
18 (2017 Replacement Volume and 2018 Supplement)

19 BY adding to  
20 Article – Correctional Services  
21 Section 9–614.1  
22 Annotated Code of Maryland  
23 (2017 Replacement Volume and 2018 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Correctional Services**

4 9–614.

5 (a) (1) In this section, “restrictive housing” means a form of physical  
6 separation in which the inmate is placed in a locked room or cell for approximately 22 hours  
7 or more out of a 24–hour period.

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

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 DOES NOT APPLY TO:**

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

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

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

22 **(D) A TRANSITIONAL PROCESS INCLUDES:**

23 **(1) SUBSTANTIAL RESOCIALIZATION PROGRAMMING IN A GROUP**  
24 **SETTING;**

25 **(2) REGULAR MENTAL HEALTH COUNSELING TO ASSIST IN THE**  
26 **TRANSITION;**

27 **(3) ASSISTANCE IN FINDING HOUSING AND OBTAINING STATE AND**  
28 **FEDERAL BENEFITS; AND**

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

3                   **(I) SUBSTANCE ABUSE EDUCATION AND TREATMENT**  
4 **REFERRALS;**

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

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

7                   **(IV) VIOLENCE PREVENTION;**

8                   **(V) CONFLICT RESOLUTION;**

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

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

11                  **(VIII) EDUCATIONAL ORIENTATION.**

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

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

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

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

24                   **(I) THE REASONING ON WHICH THE DETERMINATION TO PLACE**  
25 **THE INMATE IN RESTRICTIVE HOUSING WAS MADE;**

26                   **(II) THE LENGTH OF TIME OF PLACEMENT; AND**

27                   **(III) PROCEDURES FOR APPEALING THE PLACEMENT.**

1           **(F) (1) THE COMMISSIONER OF CORRECTIONS SHALL DOCUMENT IN**  
2 **WRITING THE JUSTIFICATION FOR AN INMATE BEING RELEASED DIRECTLY FROM**  
3 **RESTRICTIVE HOUSING TO THE COMMUNITY.**

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

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

9                   **(II) NOTIFICATION OF APPLICABLE AND AVAILABLE**  
10 **COMMUNITY RESOURCES.**

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