

# HOUSE BILL 1002

E4

9lr1425

---

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

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2019

---

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

1 AN ACT concerning

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

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

17 BY repealing and reenacting, without amendments,

18 Article – Correctional Services

19 Section 9–614(a)

20 Annotated Code of Maryland

---

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.



(2017 Replacement Volume and 2018 Supplement)

BY adding to

Article – Correctional Services

Section 9–614.1

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

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

### Article – Correctional Services

9–614.

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

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

**9–614.1.**

**(A) IN THIS SECTION, “RESTRICTIVE HOUSING” HAS THE MEANING STATED IN § 9–614 OF THIS SUBTITLE.**

**(B) THE COMMISSIONER OF CORRECTION MAY NOT PROHIBIT AN INMATE PLACED IN RESTRICTIVE HOUSING FROM HAVING ACCESS TO A TRANSITIONAL COORDINATOR OR CASE MANAGER WITHIN 180 DAYS BEFORE THE DIRECT RELEASE OF THE INMATE FROM A CORRECTIONAL FACILITY TO THE COMMUNITY.**

~~**(B) THIS SECTION DOES NOT APPLY TO:**~~

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

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

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

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

1           ~~(1) SUBSTANTIAL RESOCIALIZATION PROGRAMMING IN A GROUP~~  
2 ~~SETTING;~~

3           ~~(2) REGULAR MENTAL HEALTH COUNSELING TO ASSIST IN THE~~  
4 ~~TRANSITION;~~

5           ~~(3) ASSISTANCE IN FINDING HOUSING AND OBTAINING STATE AND~~  
6 ~~FEDERAL BENEFITS; AND~~

7           ~~(4) REENTRY PLANNING, CONTINUUM OF CARE, AND REFERRAL~~  
8 ~~SERVICES OFFERED TO INMATES IN A GENERAL POPULATION SETTING, INCLUDING:~~

9                   ~~(I) SUBSTANCE ABUSE EDUCATION AND TREATMENT~~  
10 ~~REFERRALS;~~

11                   ~~(II) JOB READINESS AND PRE-EMPLOYMENT TRAINING;~~

12                   ~~(III) VOCATIONAL SKILLS AND CAREER RESOURCES;~~

13                   ~~(IV) VIOLENCE PREVENTION;~~

14                   ~~(V) CONFLICT RESOLUTION;~~

15                   ~~(VI) COGNITIVE THINKING SKILLS;~~

16                   ~~(VII) PARENTING COURSES; AND~~

17                   ~~(VIII) EDUCATIONAL ORIENTATION.~~

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

22                   ~~(I) THE INMATE POSES A GRAVE RISK OF HARM TO OTHERS OR~~  
23 ~~THE SECURITY OF THE FACILITY AND ALL OTHER LESS RESTRICTIVE OPTIONS HAVE~~  
24 ~~BEEN EXHAUSTED; OR~~

25                   ~~(II) THE INMATE POSES AN IMMEDIATE AND CREDIBLE FLIGHT~~  
26 ~~RISK THAT CANNOT REASONABLY BE PREVENTED BY OTHER MEANS.~~

27           ~~(2) AN INMATE PLACED IN RESTRICTIVE HOUSING SHALL RECEIVE A~~  
28 ~~COPY OF THE PLACEMENT AUTHORIZATION, RECEIPT FOR WHICH IS TO BE SIGNED~~  
29 ~~BY THE INMATE, STATING:~~

1 ~~(I) THE REASONING ON WHICH THE DETERMINATION TO PLACE~~  
2 ~~THE INMATE IN RESTRICTIVE HOUSING WAS MADE;~~

3 ~~(II) THE LENGTH OF TIME OF PLACEMENT; AND~~

4 ~~(III) PROCEDURES FOR APPEALING THE PLACEMENT.~~

5 ~~(F) (1) THE COMMISSIONER OF CORRECTIONS SHALL DOCUMENT IN~~  
6 ~~WRITING THE JUSTIFICATION FOR AN INMATE BEING RELEASED DIRECTLY FROM~~  
7 ~~RESTRICTIVE HOUSING TO THE COMMUNITY.~~

8 ~~(2) AN INMATE RELEASED DIRECTLY FROM RESTRICTIVE HOUSING~~  
9 ~~TO THE COMMUNITY SHALL BE PROVIDED:~~

10 ~~(I) UNLESS THE RELEASE IS A RESULT OF A COURT ORDER~~  
11 ~~REQUIRING AN IMMEDIATE RELEASE, A RELEASE PLAN TAILORED TO THE SPECIFIC~~  
12 ~~NEEDS OF THE INMATE; AND~~

13 ~~(II) NOTIFICATION OF APPLICABLE AND AVAILABLE~~  
14 ~~COMMUNITY RESOURCES.~~

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
16 1, 2019.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.