

# SENATE BILL 746

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CF 9lr2739

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By: **Senator Lam**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings and Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Correctional Facilities – Mental Disorder Screening**

3 FOR the purpose of requiring the Department of Public Safety and Correctional Services  
4 and the Maryland Department of Health jointly to establish a uniform mental  
5 disorder screening procedure for screening inmates; establishing certain  
6 requirements for a mental disorder screening test; requiring that each inmate  
7 detained or confined in a correctional facility be screened for a mental disorder at a  
8 certain time, except under certain circumstances; requiring a correctional facility to  
9 transmit certain screening results to the Behavioral Health Administration of the  
10 Maryland Department of Health at a certain time; requiring the Administration, in  
11 consultation with the Governor’s Office of Crime Control and Prevention (GOCCP)  
12 and the Department of Public Safety and Correctional Services, to develop a certain  
13 format for a certain report to be used by each correctional facility for a certain  
14 purpose; requiring the Administration, in consultation with GOCCP and the  
15 Department of Public Safety and Correctional Services, to analyze and summarize  
16 certain results; requiring the Administration, in consultation with GOCCP and the  
17 Department of Public Safety and Correctional Services, to annually report certain  
18 information to the General Assembly on or before a certain date; altering a certain  
19 requirement to collect and report certain data to the Justice Reinvestment Oversight  
20 Board on a semiannual basis; defining certain terms; and generally relating to  
21 mental disorder screenings for inmates.

22 BY adding to

23 Article – Correctional Services

24 Section 9–617

25 Annotated Code of Maryland

26 (2017 Replacement Volume and 2018 Supplement)

27 BY repealing and reenacting, with amendments,

28 Article – State Government

29 Section 9–3208(a)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2014 Replacement Volume and 2018 Supplement)

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

5 **Article – Correctional Services**

6 **9–617.**

7 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
8 INDICATED.

9 (2) “BEHAVIORAL HEALTH ADMINISTRATION” MEANS THE  
10 BEHAVIORAL HEALTH ADMINISTRATION OF THE MARYLAND DEPARTMENT OF  
11 HEALTH.

12 (3) “MENTAL DISORDER” HAS THE MEANING STATED IN § 10–101 OF  
13 THE HEALTH – GENERAL ARTICLE.

14 (4) “QUALIFIED MENTAL HEALTH PROFESSIONAL” MEANS:

15 (I) A LICENSED PHYSICIAN, INCLUDING A LICENSED PHYSICIAN  
16 WHO PRACTICES OSTEOPATHY OR PSYCHIATRY;

17 (II) A LICENSED PSYCHOLOGIST;

18 (III) A LICENSED SOCIAL WORKER WHO HAS AT LEAST 1 YEAR OF  
19 EXPERIENCE PROVIDING DIRECT SERVICES TO INDIVIDUALS WITH MENTAL  
20 DISORDERS;

21 (IV) A REGISTERED NURSE WHO HAS AT LEAST 1 YEAR OF  
22 EXPERIENCE PROVIDING DIRECT SERVICES TO INDIVIDUALS WITH MENTAL  
23 DISORDERS;

24 (V) A CERTIFIED PSYCHIATRIC REHABILITATION PRACTITIONER  
25 CERTIFIED BY THE PSYCHIATRIC REHABILITATION ASSOCIATION;

26 (VI) AN INDIVIDUAL WHO HAS AT LEAST:

27 1. A BACHELOR’S DEGREE FROM AN ACCREDITED  
28 INSTITUTION OF HIGHER EDUCATION THAT INCLUDES THE EQUIVALENT OF 15  
29 SEMESTER HOURS OF COURSE WORK IN A HUMAN SERVICES FIELD; AND

1                   **2. 3 YEARS OF EXPERIENCE PROVIDING DIRECT**  
2 **SERVICES TO INDIVIDUALS WITH MENTAL DISORDERS; OR**

3                   **(VII) ANY OTHER LICENSED MENTAL HEALTH PROFESSIONAL.**

4           **(B) (1) THE DEPARTMENT AND THE MARYLAND DEPARTMENT OF**  
5 **HEALTH JOINTLY SHALL ESTABLISH A UNIFORM MENTAL DISORDER SCREENING**  
6 **PROCEDURE FOR SCREENING INMATES UNDER SUBSECTION (C) OF THIS SECTION.**

7                   **(2) (I) THE MENTAL DISORDER SCREENING PROCEDURE**  
8 **ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL DESIGNATE THE**  
9 **SCIENTIFICALLY VALIDATED TEST OR TESTS TO BE USED FOR THE MENTAL**  
10 **DISORDER SCREENING.**

11                   **(II) IN ORDER FOR A MENTAL DISORDER SCREENING TEST TO**  
12 **BE DESIGNATED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, AN EMPLOYEE OF**  
13 **A CORRECTIONAL FACILITY, OTHER THAN A HEALTH CARE PROVIDER, MUST BE**  
14 **CAPABLE OF ADMINISTERING THE TEST, PROVIDED THAT THE EMPLOYEE IS**  
15 **TRAINED IN THE ADMINISTRATION OF THE TEST.**

16                   **(III) THE SCREENING TEST DESIGNATED UNDER**  
17 **SUBPARAGRAPH (I) OF THIS PARAGRAPH MUST BE CAPABLE OF INDICATING**  
18 **WHETHER AN INMATE REQUIRES:**

19                   **1. A MENTAL HEALTH ASSESSMENT; OR**

20                   **2. TREATMENT FOR A MENTAL DISORDER.**

21           **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**  
22 **EACH INMATE DETAINED OR CONFINED IN A CORRECTIONAL FACILITY SHALL BE**  
23 **SCREENED FOR A MENTAL DISORDER AS SOON AS POSSIBLE AFTER THE INMATE IS**  
24 **ADMITTED TO THE CORRECTIONAL FACILITY.**

25                   **(2) AN INMATE IS NOT REQUIRED TO BE SCREENED FOR A MENTAL**  
26 **DISORDER IF:**

27                   **(I) THE INMATE IS TRANSFERRED FROM A CORRECTIONAL**  
28 **FACILITY IN THE STATE TO A DIFFERENT CORRECTIONAL FACILITY IN THE STATE;**  
29 **AND**

30                   **(II) THE TRANSFERRING CORRECTIONAL FACILITY PERFORMED**  
31 **A MENTAL DISORDER SCREENING.**

1           **(3) A CORRECTIONAL FACILITY SHALL, AS SOON AS PRACTICABLE,**  
2 **TRANSMIT THE RESULTS OF THE SCREENING CONDUCTED UNDER PARAGRAPH (1)**  
3 **OF THIS SECTION TO THE BEHAVIORAL HEALTH ADMINISTRATION.**

4           **(D) (1) THE BEHAVIORAL HEALTH ADMINISTRATION, IN CONSULTATION**  
5 **WITH THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION AND THE**  
6 **DEPARTMENT, SHALL DEVELOP A STANDARDIZED FORMAT THAT EACH**  
7 **CORRECTIONAL FACILITY SHALL USE TO REPORT THE RESULTS OF A SCREENING**  
8 **CONDUCTED UNDER SUBSECTION (C) OF THIS SECTION TO THE BEHAVIORAL**  
9 **HEALTH ADMINISTRATION.**

10           **(2) THE BEHAVIORAL HEALTH ADMINISTRATION, IN CONSULTATION**  
11 **WITH THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION AND THE**  
12 **DEPARTMENT, SHALL ANALYZE AND SUMMARIZE THE SCREENING RESULTS**  
13 **RECEIVED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

14           **(3) (I) ON OR BEFORE SEPTEMBER 1, 2020, AND ON OR BEFORE**  
15 **SEPTEMBER 1 ANNUALLY THEREAFTER, THE BEHAVIORAL HEALTH**  
16 **ADMINISTRATION, IN CONSULTATION WITH THE GOVERNOR'S OFFICE OF CRIME**  
17 **CONTROL AND PREVENTION AND THE DEPARTMENT, SHALL SUBMIT A REPORT OF**  
18 **THE ANALYSES AND SUMMARIES OF THE SCREENING RESULTS TO THE GOVERNOR**  
19 **AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE**  
20 **GENERAL ASSEMBLY.**

21           **(II) THE REPORT SUBMITTED UNDER SUBPARAGRAPH (I) OF**  
22 **THIS PARAGRAPH SHALL INCLUDE:**

23                   **1. THE NUMBER OF INMATES SCREENED AT EACH**  
24 **CORRECTIONAL FACILITY WHO WERE IDENTIFIED AS:**

25                           **A. REQUIRING A MENTAL HEALTH ASSESSMENT; AND**

26                           **B. REQUIRING TREATMENT FOR A MENTAL DISORDER;**

27 **AND**

28                           **2. AN ESTIMATE OF THE COST AND STAFFING**  
29 **REQUIREMENTS TO PROVIDE A MENTAL HEALTH ASSESSMENT OR TREATMENT FOR**  
30 **A MENTAL DISORDER FOR EACH INMATE FOR WHICH AN ASSESSMENT OR**  
31 **TREATMENT WERE DETERMINED TO BE REQUIRED.**

32                                   **Article – State Government**

33 9-3208.

1 (a) Semiannually, each county, the Department of Public Safety and Correctional  
2 Services, the Maryland Parole Commission, the Administrative Office of the Courts, and  
3 the Maryland State Commission on Criminal Sentencing Policy shall collect and report  
4 data to the Board that is disaggregated by race and ethnicity in order for the Board to  
5 perform its duties under § 9–3207 of this subtitle, including data relating to:

6 (1) the admission of inmates to State and local correctional facilities;

7 (2) the length of inmate sentences;

8 (3) the length of time being served by inmates, including suspended periods  
9 of a criminal sentence;

10 (4) recidivism;

11 (5) the population of community supervision;

12 (6) information about the inmate population, including the amount of  
13 restitution ordered and the amount paid; [and]

14 (7) departures by the court and the Commission from the sentencing limits  
15 for technical violations under §§ 6–223 and 6–224 of the Criminal Procedure Article and §§  
16 7–401 and 7–504 of the Correctional Services Article; **AND**

17 **(8) MENTAL DISORDER SCREENING CONDUCTED UNDER § 9–617 OF**  
18 **THE CORRECTIONAL SERVICES ARTICLE.**

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