

HOUSE BILL 310

E5

6lr1310
CF 6lr2009

By: **Delegates Kaufman, Holmes, A. Johnson, S. Johnson, and Shetty**

Introduced and read first time: January 15, 2026

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Restrictive Housing – Individuals With Developmental**
3 **or Intellectual Disabilities**

4 FOR the purpose of authorizing a certain clinical professional to conduct a certain
5 assessment for an incarcerated individual at intake at a State correctional facility;
6 authorizing a certain clinical professional to make a certain recommendation about
7 a certain incarcerated individual; prohibiting a State correctional facility from
8 putting a certain incarcerated individual in restrictive housing for more than a
9 certain number of days unless the individual commits a certain prohibited act; and
10 generally relating to restrictive housing.

11 BY adding to

12 Article – Correctional Services
13 Section 9–614.3
14 Annotated Code of Maryland
15 (2025 Replacement Volume)

16 BY repealing and reenacting, without amendments,

17 Article – Health – General
18 Section 7–101(a), (g), and (n)
19 Annotated Code of Maryland
20 (2023 Replacement Volume and 2025 Supplement)

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

23 Article – Correctional Services

24 **9–614.3.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (2) "CLINICAL PROFESSIONAL" MEANS AN INDIVIDUAL WHO IS
4 TRAINED AND LICENSED IN MENTAL HEALTH.

5 (3) "DEVELOPMENTAL DISABILITY" HAS THE MEANING STATED IN §
6 7-101 OF THE HEALTH – GENERAL ARTICLE.

7 (4) "INTELLECTUAL DISABILITY" HAS THE MEANING STATED IN §
8 7-101 OF THE HEALTH – GENERAL ARTICLE.

9 (5) "PROHIBITED ACT" INCLUDES:

10 (I) CAUSING OR ATTEMPTING TO CAUSE SERIOUS PHYSICAL
11 INJURY TO OR DEATH OF ANOTHER PERSON;

12 (II) MAKING AN IMMINENT THREAT OF SERIOUS PHYSICAL
13 INJURY OR DEATH TO ANOTHER PERSON WHEN:

14 1. THE INDIVIDUAL MAKING THE THREAT HAS A
15 HISTORY OF CAUSING PHYSICAL INJURY OR DEATH; AND

16 2. THE COMMISSIONER OF CORRECTION REASONABLY
17 DETERMINES THAT THERE IS A STRONG LIKELIHOOD THAT THE PERSON WILL CARRY
18 OUT A THREAT OF SERIOUS PHYSICAL INJURY OR DEATH;

19 (III) COMPELLING OR ATTEMPTING TO COMPEL ANOTHER
20 PERSON, BY FORCE OR THREAT OF FORCE, TO ENGAGE IN A SEXUAL ACT;

21 (IV) EXTORTING ANOTHER, BY FORCE OR THREAT OF FORCE,
22 FOR PROPERTY OR MONEY;

23 (V) COERCING ANOTHER, BY FORCE OR THREAT OF FORCE, TO
24 VIOLATE A RULE;

25 (VI) LEADING, ORGANIZING, INCITING, OR ATTEMPTING TO
26 CAUSE A RIOT, AN INSURRECTION, OR ANY OTHER SIMILARLY SERIOUS
27 DISTURBANCE THAT RESULTS IN THE TAKING OF A HOSTAGE, MAJOR PROPERTY
28 DAMAGE, OR PHYSICAL HARM TO ANOTHER PERSON;

1 (VII) PROCURING DEADLY WEAPONS OR OTHER DANGEROUS
2 CONTRABAND THAT POSE A SERIOUS THREAT TO THE SECURITY OF THE
3 INSTITUTION; AND

4 (VIII) ESCAPING, ATTEMPTING TO ESCAPE, OR FACILITATING AN
5 ESCAPE FROM A CORRECTIONAL FACILITY OR ESCAPING OR ATTEMPTING TO
6 ESCAPE WHILE UNDER SUPERVISION OUTSIDE A CORRECTIONAL FACILITY.

11 (II) "RESTRICTIVE HOUSING" INCLUDES ADMINISTRATIVE
12 SEGREGATION AND DISCIPLINARY SEGREGATION.

13 (III) "RESTRICTIVE HOUSING" DOES NOT INCLUDE:

1. MEDICAL ISOLATION:

2. MENTAL-HEALTH OBSERVATION OR CRISIS

3. SUICIDE WATCH:

5. QUARANTINE OR PUBLIC-HEALTH ISOLATION.

22 (c) (1) DURING THE INTAKE ASSESSMENT FOR A NEW INCARCERATED
23 INDIVIDUAL, AN APPLICABLE CLINICAL PROFESSIONAL MAY ASSESS THE
24 INCARCERATED INDIVIDUAL FOR A DEVELOPMENTAL DISABILITY OR AN
25 INTELLECTUAL DISABILITY

5 (D) THE 15 CONSECUTIVE DAY LIMIT ON RESTRICTIVE HOUSING UNDER
6 THIS SECTION DOES NOT APPLY TO AN INCARCERATED INDIVIDUAL WHO COMMITS
7 A PROHIBITED ACT.

Article – Health – General

9 7-101.

10 (a) In this title the following words have the meanings indicated.

11 (g) "Developmental disability" means a severe chronic disability of an individual
12 that:

13 (1) Is attributable to a physical or mental impairment, other than the sole
14 diagnosis of mental illness, or to a combination of mental and physical impairments;

15 (2) Is manifested before the individual attains the age of 22;

16 (3) Is likely to continue indefinitely;

17 (4) Results in an inability to live independently without external support
18 or continuing and regular assistance; and

19 (5) Reflects the need for a combination and sequence of special,
20 interdisciplinary, or generic care, treatment, or other services that are individually planned
21 and coordinated for the individual.

22 (n) "Intellectual disability" means a developmental disability that is evidenced by
23 significantly subaverage intellectual functioning and impairment in the adaptive behavior
24 of an individual.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2026.